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Main works-

A saga of Sacrifices: Praja Parishad Movement in J&K

100 Documents: A reference book J&K, Mission Accomplished

A Compendium of Icons of Jammu & Kashmir & our Inspiration (English)

Jammu Kashmir ki Sangarsh Gatha (Hindi)

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THE ALL JAMMU AND KASHMIR NATIONAL CONFERENCE AND
INTEGRATIONALIST MOVEMENT IN KASHMIR VALLEY: POST
INDEPENDENCE ERA

Dr. V. Bhushan

As discussed earlier all the princely States, acceded to Indian Dominion, initially on the three subjects- Defence, External Affairs and Communications. A Conference of Rajpramukhs and Ministers of all Unions was, subsequently, held in Delhi in May, 1948. They decided that a revised Instrument of Accession, acceding all the subjects- then in the federal and concurrent lists- be executed with the Indian Dominion¹. They, therefore, accepted the future Constitution of India in toto.

But neither Maharaja of Kashmir for any of his minister participated in this conference. As a result the Jammu and Kashmir's Constitutional relationship with the centre continued to be based on the Instrument of Accession entered by Maharaja of Kashmir on October 27, 1947 which was restricted in nature. Thus, the process of integration and constitutional adjustment, which had been adopted in regard to the other Indian states, was not² all followed in the case of Jammu and Kashmir State². The State accession with Indian dominion was only in three subjects-Defence, Foreign Affairs and Communications.

The future course of action was clearly laid down in clause 7 of the Instrument of Accession³ entered by Maharaja of Jammu and Kashmir State which runs as under:-

"Nothing in this Instrument shall be

deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future Constitution."

By this clause the Maharaja of Kashmir seemed to have tried to save his own position as constitutional head of the State in future time.

But the All Jammu and Kashmir National Conference leadership has different perception about the limited and restrictive nature of Jammu and Kashmir State accession with Indian Dominion. They believed that it was because of protecting the Kashmiri identity, the Muslim majority character of the State, their cherished ideology in furtherance of which they had offered their blood and sweat during their struggle for freedom, to prefer complete freedom in their internal affairs and to have the right to shape their destiny according to the wishes of their people⁴. The National Conference, therefore, stood for limited, restrictive and qualified integration of the State of Jammu and Kashmir with

Indian Union. Because of the constant and forceful struggle of the National Conference. The aspirations of Kashmiri nationalism had also been spelt out in Article 370 of the constitution of India⁵.

In order to end the State of uncertainty created by Pakistan invasion of State in 1947, United Nation's inability to undo it, wait and see, frustration and agony and fully recognising the right of self-determination of Kashmiris, the General Council of the

① The very important responsibility which the Sheikh Abdullah's administration was charged to clear the state of the anti-Indian elements with all the means, fair or foul, within their powers. The State administration was, therefore, let loose against those who stood against the accession.⁵

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 All J&K National Conference issued a mandate to Supreme
 Nation Executive of the party in 1950 for convening a
 separate consembly based upon adult suffrage and
 embracing all sections of the people and all the
 constituents of the State for the purpose of determining
 the future shape and affiliation of the state with
 Indian Union and to give a separate distinctive
 constitutional personality to the State⁷⁶.

While examining the pros and cons of three options
 then open to the Kashmir Consembly, namely accession
 to India, accession to Pakistan and an independent
 Status, Sheikh Mohammad Abdullah openly favoured the
 J&K State accession with Indian Union⁷. He stressed
 that this was because of "community of ideas between
 the State and the rest of India, the support that
 State's freedom movement received from Indian National
 Congress, democratic values of Indian constitution such
 as rules of law, the secular approach to social and
 public life, the commitment to land reforms and other
 aspects of socio-economic justice" as against the federal
 structure and communal outlook which had coloured the
 political life in Pakistan⁹⁸. He further stressed the
 inadequacy and outdated nature of religion forming the
 basis of modern State and pointed out irrelevance of
 religion to present day alliances¹⁰⁹. A perusal of Sheikh
 Mohammad Abdullah's historic address to the Kashmir
 consembly clearly indicated that he and his party was
 considerably influenced by the liberal, democratic
 traditions of the West, which, incidentally, had also
 influenced the making of the constitution of India.
 The National Conference party also subscribed to certain

socialistic values and concepts such as that of socio-economic justice, the land to the tiller without compensation to the land owner¹⁰ etc.

Through Nehru-Sheikh Accord (Delhi Agreement) of 1952, abolition of hereditary monarchy, and to have an elected head of the state, a separate flag and separate emblem for the state, the All Jammu and Kashmir *National* Conference tried to satisfy the aspirations of Kashmiri nationalism within ambit of limited accession of the State with Indian Union. In short the All J&K National Conference, under the charismatic leadership of Sheikh Mohammad Abdullah, who had ever symbolised Kashmiri nationalism, stressed autonomous position of the State of Jammu and Kashmir within the Indian polity¹¹.

On the other hand Ghulam Mohiudin Kara, who was initially a nationalist and District President of National Conference before 1948, developed evil contacts with different parties including subversive, fundamentalist and pro-Pak elements with a view to undermine Sheikh Abdullah's Government. He associated himself with the agents of Muslim league and took keen interest in the cause of Pakistan. He also developed relation with the reactionary and imperialist agents for acts of sabotage in valley. With the help of disgruntled elements, he had formed a limited front to overthrow the Sheikh Government and create the atmosphere for plebiscite in Kashmir. In 1953 he announced the formation of his party- the Kashmir Political Conference, with himself as its founder President. The party advocated the State's accession to Pakistan, immediate withdrawal of Indian troops

→ However, when Mr. Adlai Stevenson, a democratic leader of the United States of America was on a visit to Srinagar, Sheikh Mohammad Abdullah had a prolonged discussion with him. It was said that the two leaders had thoroughly discussed the Kashmir problem and one of the alternative solutions concluded was the possibility of an independent Kashmir with an international guarantee by big powers. Sheikh Abdullah was suspected of 'a mischief', which the Govt. of India was not ready to permit him by any cost. His removal was seemed to be the only way out if national interest was to be saved by means of keeping the state of J&K safe in Indian grip. His ministry was, therefore, dismissed and he was subsequently arrested on 9th August, 1953.¹⁵ ✓

from the State, ^{and} holding of a plebiscite. He made an anti-India and anti-Government public speech on June 1953. He raised the slogan of "Pakistan Only" and was arrested¹³¹².

All these developments had also made it possible for the anti-India, pro-Pakistan and other disruptive groups and forces in the valley to organise themselves and to make desperate attempts at the disintegration of the J&K State in subtle ways¹⁴¹³.

But the building a constitutional structure on the pillars of Maximum Autonomy in the State under the first phase of Sheikh Mohammad Abdullah's ministry, miserably failed to come up because of the constitutional crisis of 1953 which was said to be caused by motivational variations arising from the political considerations and failure of the leadership at various levels to reconcile the various claims and aspirations¹⁶¹⁴.

The dismissal of Sheikh Mohammad's first popularly elected Government and his subsequent arrest on August 9, 1953 was followed by a great mass upheaval, public protests, acts of violence, police firing at several places complete hartal for 11 days and violent demonstrations for about a month in the valley¹⁷¹⁵.

Meanwhile, Mirza Mohd. Afzal Beg formed a small rival group in State Assembly called the Democratic Socialist Group. But he failed to establish any effective opposition in the Assembly. He delivered a public speech at Anantnag with a clear pro-Pakistan stance. He also said to have developed contacts with Pak agents and said to have received financial assistance and an offer of arms supply from them¹⁸¹⁶.

Simultaneously, Jamait-i-Islami, formed in 1941, had maintained a close contact with Jamait in Pakistan, which was taking an active part in the cry of Jihad (Holy war) raised from time to time for the annexation of Kashmir to Pakistan. The party supported the two Nation theory and propagated the Islamic way of life based on Shariat. Its publications circulated in the valley carried an extensive anti-India and anti-Hindu propaganda. It believed that it was a sin for the Muslims to live under a Government dominated by Kafirs¹⁹¹⁷. By and by Jamait-i-Islami intensified its activities in the State in general and in the valley in particular.

Though pro-Sheikh movement was crushed due to extremely crucial military action, yet seeds of a new movement for liberation of the State from India were sowed, which was spearheaded by the then newly formed political forum, Plebiscite Front, in November, 1954, under the Chairmanship of Mirza M.A. Beg²⁰¹⁸. The Plebiscite Front stood for the right to self-determination for the people of Jammu and Kashmir State as promised to them by Government of India as well as the U.N.O. It also challenged the validity of the State's accession with India, which according to the Front was only temporary and conditional²¹¹⁹. During its struggle the Front not only fought for right to self-determination and for holding of plebiscite in the state but also played opposition like role, criticising the policies of National Conference Government. It also made every effort to internationalize the Kashmir issue and as such it equally questioned the disputed accession of the State with India.

At the initial stages, the Plebiscite Front's members in the Kashmir Consenbly disassociated with the process of constitution making for the State. Its leaders even challenged the competence of the Consenbly to frame the Constitution of the State on the plea that following the dismissal and the arrest of Sheikh Abdullah as well as many of his colleagues, the Consenbly had lost its representative character and, as such, in their absence and the absence of 25 members assigned to the territorial constituencies under Pak occupied Kashmir, no decision regarding the future of State and finality of the issue could be decided by it. ^{22 (20)} The Front then demanded with drawal of Indian army from the State and of the holding of Plebiscite under United Nations ^{23 (21)} auspices. The strikes, street processions, demonstrations and slogan shouting were continued features of the Front's methods for conducting movement and for mobilising the public opinion in its support. ^{24 (22)} Front leaders were trying to prepare people for non-cooperation with the State and Centre and tried to highlight the failure of these Governments. The Fronts major endeavour was to under-estimate the State's link with India and to highlight the importance of its link with Pakistan. ^{25 (23)} It also demanded that the Jehlum Valley Road to be thrown open to the people of Kashmir. ^{26 (24)} Moreover, world foras and regional gatherings were also approached through cables, telegrams, memoranda, letters and Front's political literature, appealing them to exert influence on the government of India to agree to a plebiscite in ^{27 (25)} kashmir. Such memoranda were submitted to the Commonwealth Prime Ministers Conference held in London

*** It had also provided an opportunity to the members of the Kashmir Constituent Assembly to frame the Constitution of the State in accordance with the wishes of the Govt. of India. Pt. Nehru said to have given a categorical directive to the members of the Constituent Assembly that before finalising the Constitutional relationship of the State with India, "nothing should be done which does not fit in with our constitution, which is in any sense ³³ ⁽¹⁾ contrary to it or in conflict with any part of it."

on September 9, 1962: President of U.S.A. on occasion of his visit to India in 1959, to Frank Graham, the special representative for Kashmir on his visit to Indian sub-continent, in January, 1958. Similar appeals were made to the U.N. Secretary General, the President of U.N. General Assembly as well as Muslim countries. ^{✓28 (26)} ^{✓29 (27)}

The Front leaders said to have maintained contacts with Pakistan through underground channels. They were said to have been receiving large sums of money, most of which they misappropriated and distributed the rest among party workers as their pay and allowances. When Pakistan started sending Kashmir saboteurs and fifth columnists with explosives some prominent front leaders were also found directly involved in cases of subversion ^{✓30 (28)}

A — as a result, the conditions of uncertainty prevailed in the State.

But its political activities were whemently curbed by the National Conference Government and most of its leaders and activists were arrested and imprisoned. ^{✓31 (29)}

In the second phase which comprised approximately a decade of dynamic leadership of G.M. Bakshi premiership (1953 to 1963) the All Jammu and Kashmir National conference leadership tended to move from maximum or larger Autonomy to limited Autonomy vis-a-vis India.

They realised this in concrete terms, the party leadership barked upon cautious and partial integration of the State with Indian Union beyond the position already reached upto the time of the dismissal of Sheikh Mohammad Abdullah's first popularly elected ministry on August 9, 1953. ^{✓32 (30)} The will to chisel a distinctive constitutional personality of the State, ^{✓33 (32)}

→ The exit of Sheikh Mohammad Abdullah had, however, smoothened the way for closer integration of the state with the rest of the country.

✓ In order to realise

→ The completion of the Constitution in the absence of Sheikh Abdullah, his colleague M.A. Beg and some other members of Consensus, all of whom had put behind bars, was the first victory in support of the complete integration with India. ^{✓35 (32)}

therefore, became flabby^① as a result the Jammu & Kashmir Constitution of 1957 took increasing^A the shape of a carbon copy of the Indian Constitution with certain separate features to accommodate the political culture of Kashmir and local sentiments^{34 31}.

see back page)

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(P.B.)

Besides, it was during his premiership that important central laws and various provisions of the Indian Constitution such as "provisions relating to the Union and its territory, citizenship, fundamental rights as also provisions relating to finance, property, contracts and suits and part XIII dealing with trade, commerce and extension of the jurisdiction of the Comptroller and Auditor General of India under Presidential order issued in February, 1958 and of part XIV of the Indian Constitution relating to the services under the Union and, also, the authority and jurisdiction of the Election Commission, the special leave jurisdiction of the Supreme Court, etc. were extended and made applicable to the State of Jammu & Kashmir. All these extensions meant to deprive the State of its autonomous character guaranteed under Article 370 of the Indian Constitution bringing it closer to the Indian Political and constitutional fold. Bakshi did not go beyond.

Referring to the New Jammu and Kashmir constitution, Sheikh Abdullah said, "I am against a constitution which was passed by the Assembly, the majority of whose members had lost the confidence of the people after August 9, 1953³²."

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The National Conference at its 21st Session at Jammu adopted a resolution on March 16, 1958 pointing out, "It is not understandable how Sheikh Abdullah

denies the validity of the Constitution. No country or party can exist in a constitutional vacuum, and denial of the constitutions is an open invitation to anarchy and civil strife³³.

However, after his release from detention on January 8, 1958 Sheikh Abdullah shattered the Indian image in western and middle eastern countries during his visit to those countries. He said that the "Accession of Kashmir is not to be decided by rhetorics of Krishna Menon or by gun or bullet of Indian army. Kashmir does not belong to Krishna Menon or Nehru or India or Pakistan, USA. or Russia. The people who alone can decide its future are the people of Kashmir-Muslim and Hindu who inhabit this land³⁴.

In his letter to Pt. Nehru on April 11, 1958, Sheikh Abdullah said, "That only fair and just way of ending this ten years dispute (Kashmir dispute) is by conceding the right to self-determination which you yourself once so ardently supported³⁵. The irreconcilable attitude of Sheikh Abdullah and his rising popularity was felt injurious to the interests of both the Central and State Government. He was, therefore re-arrested on April 30, 1958³⁶.

Inside Kashmir, Bakshi Ghulam Mohammad worked successfully on three fronts. His first front was New Delhi, where with money and gifts he managed to create a Pro-Bakshi lobby.

Front comprising congress leaders including influential members of parliament worked for Bakshi in New Delhi. The second front was to create a proper political image for himself in the State and he had, therefore, tightened his grip on the political and

administrative machinery of the State. The third front in which he succeeded was to keep alive anti-India and pro-Pakistan campaign in the state. He was of the view that if that elements turned weak, it would result in weakening his power too. He further believed that existence of such elements was necessary otherwise New Delhi would do anything in the valley it liked. He, therefore kept on financing liberally, though secretly, these elements³⁷. 41 ✓

The way by which G.M.Bakshi, made attempt to bring about unity in the all J&K National Conference just after the constitutional crisis of 1953, brought about political differences between him and G.M.Sadiq -the two top leaders of the party, They actually reached the verge of parting of their ways³⁸. 42 ✓

Anyhow, G.M.Bakshi submitted his (recognition) to Pt. Nehru under K.Kamraj plan on 7th August, 1963. 43 ✓

However Mr. Shams-ud-din was appointed Prime Minister of the State on October 11, 1963. But the theft of Holy Relic from Hazaratbal during the night of December 26-27, 1963 and prolonged protest of entire Muslim population of the valley, had however led to the down fall of Mr. Shams-ud-Din's ministry, the successor of Bakshi Ghulam Mohd³⁹. 44 ✓

Soon after this, Pakistan raised the Kashmir issue again in Security Council. To support the Pakistan's plan, the Holy Relic Action Committee in the valley demanded that Kashmir issue should be settled on the basis of U.N.Resolution. In a meeting the Plebiscite Front, Political Conference, Jamait-e-Islami, Mir Waiz party and other secessionist parties jointly adopted a

Mr. Sadiq was against the special Status of Jammu & Kashmir. He was the only outspoken Kashmiri leader who was in favour of fullest integration of the State with India. For the achievement of this aim, he wanted the abrogation of Art 370. He was of the view that Art 370 was the barrier between the people of Kashmir and the rest of the country and its abrogation would enable the former to participate in the economic development and social progress of the State. He believed that emotional integration of the State with India was a necessity. He said "If the total abrogation of Art 370 was not possible or an act of wisdom, the policy of slow and gradual ~~ere~~ erosion of it was the only way out to see the State fully integrated with India⁴⁷."

resolution which demanded that the people of Kashmir be given the right to decide their future by exercising the right of self-determination. But the Holy Relic Action committee was soon plagued with dis-unity and dissensions and hence could not pursue the resolution⁴⁰. — 44 ✓

After the recovery of Holy Relic, the Holy Relic Action Committee, which was formed on January 4, 1964, was converted into a political body named as "Action Committee" in March, 1964. It was another dissident political organisation to the accession of the State with India, born under the patronage and inspiration of Sheikh Mohammad Abdullah. It also demanded the right of self-determination for the people of Kashmir, free plebiscite to decide the accession of the State and immediate withdrawal of the Indian troops from Jammu and Kashmir State⁴¹. — 45 ✓

The All J&K National Conference under the progressive and nationalistic leadership of G.M. Sadiq (1964-1971) found right time for progressive integration of the State with India. He seemed to have been much impressed by the adoption of the socialistic pattern of society of the then congress government and its Avadhi session and by the progressive policies of the then Union Government, regarding privy purses, Bank Nationalization etc⁴². — 46 ✓

Being a progressive and nationalist leader he regarded Article 370 of the Constitution of India as a tunnel or bridge between the State and the Union⁴³. — 48 ✓
The Government of India said to in favour of G.M. Sadiq's contention to abrogate Article 370, root and branch, and since it wanted to satisfy the public opinion in India, certain provisions of the Indian constitution

were made applicable to the State in accordance with the policy of gradual erosion of the same. Thus Articles 356 and 357 of the Indian constitution besides the Advocates Act and the Companies Act were extended to the State. The National Conference Government, ~~together~~ ^{further} took many steps including the change of nomenclature of Sadar-i-Riyasit and the State Prime Minister into governor and Chief Minister respectively, ⁵ extension of number of the beneficial central laws to the State, [;] merger of the All J&K National conference with Indian National Congress on 26th January 1965: bringing the judges of State High court at par ⁵⁷ with judges of the High courts in other states: bringing the State Government employees at par ⁵⁷ with the employees in other States of Indian Union in matter of promotion, demotion, dismissal etc. Direct elections to the Lok Sabha were also introduced in the State ⁴⁴. (Mr.. G.M.Sadiq was said to be against the special status of Kashmir ⁴⁵. [✓] 49 ^X 50 He was said to be the only outspoken Kashmiri leader who was in favour of fullest integration of the State ^X 51 with India ⁴⁶.)

G.M.Sadiq's policy of liberalisation, afforded ^{the} opponents of India [✓] opportunity to express their views freely. All opponents grievances refused to remain hidden. His purpose of favouring this policy was to blunt the sharp edge of the opposition ferocity and to bring about the integration of the State with India in phased manner ⁴⁷. [✓] 50

At a later stage he was, however, shrewd enough to realise that he was losing his popularity with the people in the valley largely on account of the

Repetition
delete.

progressive integration policies he had embarked upon. The alienation drive against him was then started by the anti-India, pro-Pak autonomists, fundamentalist⁵¹ as well as secessionist forces and groups in the valley⁴⁸.

Pt. Mehru by then was convinced that "Sheikh had a strong hold on the people of Kashmir and in the changed circumstances no political settlement in the valley could be thought of without bringing him in⁴⁹". Hence the "Kashmir Conspiracy case, in which Sheikh Abdullah, his other political colleagues and workers were involved, was withdrawn and he along with his other 14 colleagues were released on April 8, 1964⁵⁰".

On 9th April, Sheikh Abdullah at the Press Conference cleared himself of the charge that he had anything to do with Dr. S.P. Mukerji's death in a Kashmir Jail. A day after his release, he said that Kashmiris had not exercised their right of self-determination. He discounted Indian plea that the people had exercised their franchise through the assembly and the elections held in the state from time to time. He pleaded that opposition parties had described elections as fake⁵².

On April 13, he strongly advocated the strengthening of the plebiscite front as it was the most suitable instrument for realizing Kashmir's wishes⁵³. Pt. Nehru termed his speeches "Unfortunate"⁵⁴. M.Ps in Parliament were of the view that Sheikh Abdullah was pleading Pakistan's case. They stressed that his utterances were "not only unparliamentary" but anti-national⁵⁵.

Even Mr. Lal Bhadur Shastri, the then Minister without portfolio cautioned him against giving unbridled expression to his views which would complicate the

Kashmir problem, internally and internationally. He further added "there is complete freedom of expression" but there can be no freedom for preaching some kind of independence⁵⁶. Mr. M.C.Chagla, the then Union Minister of Education said "the law will take its own course if Sheikh Abdullah does not maintain his loyalty to the Constitution of India and the country, of which Kashmir is an integral part"⁵⁷. G.M.Sadiq said at Jammu on April 16, 1964 that self-determination was no solution to the Kashmir problem. It would only complicate the problem. He further added, "No power can move us from the path we have chosen. We are as much a part of India as Bombay, Calcutta or Madras... No one in India has the right to cede even a tiny portion of the country, not even the Parliament"⁵⁸. Sheikh Abdullah while reacting against G.M.Sadiq remarks said, "India's claim to Kashmir as an integral part of the country like Madras or any other state, was based purely on might"⁵⁹. On May 6, Sheikh Abdullah received a letter from President Ayub Khan of Pakistan referring the U.N. Resolutions and Pakistan's vital interest in Kashmir and urged upon him that 'no settlement is reached without due consideration and agreement with us'⁶⁰. There was then an uproar in India over this direct communication of the Head of a State of a foreign country to an individual brushing aside all protocol. But Pt. Nehru ignored this as a minor incident and said that there was nothing extra-ordinary in it⁶¹.

On May 24, Sheikh Abdullah went to Pakistan on a 16 day visit as "Peace-maker". Addressing his first public

meeting in Ralwalpindi on May 25, he clearly and categorically repudiated the Indian position that Kashmir's accession to India was complete and irrevocable. He declared that it was utterly incorrect to claim that the Kashmiri people had already exercised their right of self-determination, and added that no power on earth could deprive the five million Kashmiris of this right⁶². he had discussions with President Ayub Khan for two days. On May 26, he announced at a press conference in Rawalpindi that President Ayub Khan and Pt. Nehru were expected to meet in New Delhi in June in an attempt to end the 17 years old dispute over Kashmir⁶³. Sheikh Abdullah, however, called off the rest of his tour due to the death of Pt. Nehru on May 27, 1964 and returned to Delhi on May 28, 1964⁶⁴. 65

He returned to Srinagar on June 11, 1964 after meeting Sh. Lal Bhadur Shastri, successor of Pt. Nehru. He said that attempts of solving the Kashmir question received serious setback by Pt. Nehru's death and now P.M. was not in a position to continue these efforts⁶⁵. 66

The situation, however, took a serious turn when Sheikh Mohammad Abdullah announced launching a social boycott movement at congregation at Hazratbal on January 15, 1965 against those who opposed people's right of self-determination. The movement spread to all towns and villages in the valley. As a result the supporters of the then Chief Minister G.M. Sadiq as well as of Congress party clashed with supporters of Plebiscite Front and there developed an atmosphere of confrontation in the whole of the Kashmir region⁶⁶. 67

But on the instructions of New Delhi, the State 68

Government took steps against this movement. Number of plebiscite front workers were detained under Defence of India rules⁶⁷. Meanwhile Sheikh Abdullah decided to go for Haj pilgrimage Macca. The government of India helped him with the international passport and liberal foreign exchange contravening the normal rules⁶⁸. he left India for Macca on February 5, 1965 along with his wife and Mr. M.A.Beg, and the situation then changed considerably. But by March 7, 1965 about 3000 workers and leaders of the Plebiscite Front were arrested⁶⁹.

Sheikh Abdullah, however, misused Indian generosity. He started indulging in anti-Indian campaign in countries friendly to India⁷⁰. During his foreign tour, he visited Algeria Egypt, Mecca and England and met Algerian President: President Nazir, Hussain Shafai and Anawar Sadat of Egypt; King Faissel twice and Chou-En-Lai⁷¹, Chinese Prime Minister and exchanged his views with them on Kashmir issue raised in the Afro-Asian Conference at Algiers, indulged in extremely objectionable act in having meeting with Chinese Prime Minister Minister and accepting an invitation to visit China⁷².

His activities abroad aroused a wave of indignation in India. Voices were raised for the cancellation of his passport and his immediate recall⁷³. New Delhi also took very serious notice of his meeting with Chinese Premier. It sent a warning to him that if he did not return immediately, his passport would be cancelled. At the same time Indian ambassador at Mecca turned down his request for extension of his stay in Saudi Arabia⁷⁴.

The moment Sheikh Abdullah, his wife and Mirza

He attempted to get Kashmir issue

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M.A.Beg returned to India, they were detained and taken to Ottaccumund. This step resulted in big agitation in Kashmir. Large number of people were imprisoned and under Defence of India Rules restrictions were placed on 10 newspapers⁷⁵. The leadership of movement then brought the Plebiscite Front, Political Conference and Awami Action Committee on one platform⁷⁶. Maulana Masoodi-the leader of the movement launched a civil disobedience movement on June 6, 1965. Thousands of people enrolled their names for courting arrest⁷⁷. Meanwhile a rumour went round that Pakistan armed men had entered into Kashmir. The B.S.F. and Pakistan armed men exchanged fire at Bemina which aggravated panic in the city. The security was tightened and the leaders of the movement went underground. The entire area of Batmaloo was set on fire. A war like situation was created. As a result an other Indian ~~Pak~~ was started in September, 1965. A ceasefire was, however, ordered on the active intervention of U.N.Security Council on afternoon of September 22, 1965⁷⁸.

During Kashmiri pandit Agitation in 1967, the Plebiscite Front and Awami Action Committee not only held anti-India and anti-Hindu demonstration but their reactionary and separatist policies were wholly solely responsible for the then communal clashes in the State⁷⁹.

On return to Srinagar on May 8, 1968 Sheikh Abdullah mooted an idea of holding all parties convention, which was given the name of 'Kashmir People's Convention'. In his inaugural address to the convention, Mr. Jaya Prakash Narayan said that "since the entire situation had changed, he would suggest to Kashmiri leaders to

change their ideas and approach as Pakistan had ceased to be party to the Kashmir issue after the Indo-Pak conflict in 1965. He pleaded that a settlement in the Indian Government within the Constitution of India be arrived⁸⁰. While addressing a public meeting at Hazuri Bagh next day, he announced that the demand for plebiscite had become obsolete. Sheikh Mohammad Abdullah reacted sharply and declared that no power in the world could deprive people of Kashmir of their basic rights. He further added that 'freedom could not be secured through doles. It had to be wrested and we will get it'⁸¹. Mr. Narayan stated in the press club that plebiscite and the issue of restoration of 1953 position were impossible and the solution of Kashmir issue could be evolved within the frame-work of the Indian Constitution⁸². In this convention suggestions were in favour of India, 16 in favour of Kashmir's independence, six in favour of keeping Kashmir under the U.N. supervision and 11 in favour of her accession to Pakistan⁸³.

On Sadiq's death in December, 1971 the mantle of the leadership fell on Sayed Mir Qasam. Although initially a critic of G.M. Sadiq's policy of liberation, he began to realise the necessity and validity of the policy. He said that Sheikh Abdullah and other opposition leaders would be welcomed to join the mainstream of the State's political life provided they did not transgress constitutional limits. He further added:

"I would be willing to let a hundred flowers bloom provided none of these is liable to poison the garden itself"⁸⁴.

and counter suggestions were put forth. As many as 12 suggestions

liberalisation

a His policy, changes in the sub-continent, and growing considerable attitude of the then Central leadership invoked of favourable response from Sheikh Abdullah. In his speech he affirmed his faith in the accession, secularism and democratic socialism. He made it clear that "His quarrel with India was not on the question of accession but on the quantum of autonomy of the State in its relationship with India⁸⁵. He, thus, played a considerable cooperative role in contributing to the conclusion of the India-Sheikh Accord (1975) between Central government and Sheikh Abdullah. 27 88

The factual position then was that the people of the valley seemed not to be satisfied with different regimes since Sheikh Abdullah's arrest in 1953, Pakistan's influence on the people was still increasing, the problem of communalisation and secessionism not only still continued but had taken a serious turn in the valley, most of the younger Kashmiri elites even challenged the State's accession to the Indian Union and pleaded for holding plebiscite to decide its finality. Sheikh Abdullah was still regarding ed as undisputed leader in the valley and his influence in the political circle was still paramount and Kashmir issue was being treated as international issue. Mrs. Indira Gandhi was convinced that it was not possible to tackle all such problems without taking Sheikh Abdullah into confidence. The failure of Pakistan Army to capture Kashmir by force, the then political turmoil in Pakistan because of the refusal to accept Mujib-ur-Rehman as Prime Minister of Pakistan, Pakistan armies commission of atrocities on co-Muslim brethren of East-

Pakistan, on the other hand, had their deep impact on the thinking of Kashmiri intellectuals. They were clear in their mind that the people of Kashmir would have been treated in the same way if they had acceded to Pakistan. Moreover, they were also clear in their mind that the possibility of Kashmir to be independent was very bleak because of the fact that it was surrounded by a number of countries. They finally seemed to have been convinced that if there could be any solution of their problems it would be within the framework of Indian Constitution. Moreover, the founder of Plebiscite Front got exhausted by long imprisonment and the strong action taken by the Central and State Government

Thus, the change in political scenario of the sub-continent, the changing attitude of the central leadership and the policy of liberalisation adopted by the State Govt. and the offer of Syed Mir Qasim to opposition in Kashmir including Sheikh Abdullah to join the mainstream of State's political life invoked a favourable response from Sheikh Abdullah. He, therefore, thought that it was for their benefits to reconcile their position and try to solve the problems peacefully and in the spirit of mutual understanding. He realised that the methods they had adopted in their struggle for freedom had practically denied the people to have a Government of their own choice. The leaders of the Plebiscite Front also started to rethink on their future in Kashmir. They also wanted to reach an understanding with the Union government, Sheikh Abdullah, therefore, in a public speech affirmed his faith in accession of the State to India, secularism and

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democratic socialism⁸⁶. All these factors, thus, encouraged the Indian Government and Sheikh Mohammad Abdullah to come to a compromise. Syed Mir Qasim admitted that Sheikh Abdullah could play a great role in strengthening the democratic and socialist forces in the country⁸⁷. Consequently negotiations between Indira Gandhi and Sheikh Abdullah, through their representatives started and a deal was struck in early 1975 known as Kashmir Accord 1975.

From the analysis of the Indira-Sheikh Accord, it may be abundantly clear that the basic fact of State accession to Indian Union had been accepted, constitutional relationship between Centre and State upto August 8, 1953 had not been questioned. But the doubts were expressed about the post-August 1953 legislation. There had been certain provisions which referred to the possibility of revision of the then existing relations between State and the Centre. In short, the provisions of the Accord had given an impression that we were back to the earlier phase as symbolized by the Instrument of Accession, Delhi Agreement of 1952, which in its turn was underpinned by Article 370 of the Constitution of India. As a result of the Accord the Kashmir problem was once again reduced to the domestic level. The Accord, therefore, once again entrenched the Kashmir's special status within Indian Union and prepared the way for Sheikh's return to the Constitutional position as of 1953, after 22 years. As a result the Plebiscite Front which raised question on State accession to India and demanded the right of self-determination for Kashmiris,

was dissolved⁸⁸.

The Awami Action Committee being first genuine pro-Pak party in kashmir and having anti-India stance and favouring outright union of Kashmir with Pakistan, strongly condemned the Accord whereas Jamait-i-Islami, which regarded the accession of State to India being temporary and as such subject to the ratification by the people, questioned the wisdom of the Plebiscite Front wasting two decades to affirm the reality of Kashmir's accession to India⁸⁹. Even JKLF, which stands for complete independence for all J&K including 'Azad Kashmir', Gilgit, (Butlistan) in order to protect the Kashmiri identity, also condemned the Accord. While referring to the kashmir Accord Sheikh Abdullah said, "Basically what has been achieved is a re-establishment of trust and confidence born out of shared ideals and common objectives of the kind which was there all through until 1953⁹⁰. The Indira-Sheikh Accord of 1975, however, caused frustration in Pakistan in general and among the secessionists (for) in the State in particular⁹¹."

After getting absolute majority in 1977 Assembly Elections, the All J&K National Conference leadership tried to revive the pre-1953 policies of the party. But nothing substantial had been done in this direction.

The probability of disintegration of J&K State became prominent (one) again when Jammu and Kashmir Liberation Front (JKLF) declared its political and military objectives in 1979-80 convention held at Muzaffarabad. The party declared that its political objective was establishment of Nizam-i-Mustafa in kashmir and to achieve unification of the two parts of Kashmir,

by demolishing the artificial dividing line created by the presence of the armies of Indian occupation as well as right of self-determination for the people to decide the future of the State. Its military objectives were as under:- 9.5

1. "Raising of the Liberation army of the Muslims to launch the armed struggle for the liberation of Kashmir from the Indian occupation;
2. Training of Muslim youth and students in Azad Kashmir and Pakistan and procuring of arms for the liberation army;
3. Preparation of Muslim youth and students in Kashmir occupied by India, for their participation in the armed struggle against Indian imperialism, imparting military training to them, providing arms to them and establishing a unified command to lead the armed struggle;
4. Drawing up a strategy to establish necessary communication network in the occupied Kashmir;
5. Organising the forces, which are at present fighting for the liberation of Kashmir into a United Front to ensure the participation of Muslims masses in the armed struggle;
6. Building military pressure on Indian defence forces in order to force the Government of India to implement the resolution of the U.N.O. and ensure the realisation of the dream of the Muslims in Kashmir to decide their own destiny. 77

Resettlement Bill was also passed by the State Legislative Assembly, 1982. The purpose of the Bill was to legalise the return to the State of all those persons who were class I and Class II State Subject before May 8

14, 1954, but had migrated to the territory then included in Pakistan after March, 7, 1947 or for widows, wives or descendants of such subjects. The politics of Resettlement Bill was as its climax between May 1982 and July 1987. The tempers were high on all sides. The Central Government was of the opinion that the Bill would open flood gates to Pak spies to settle in the State; sought to compromise India's stand on Kashmir issue in the U.N.O. was tantamount to accepting an independent status of Pak held Kashmir; involved practical implications for the State's security, stability and solidarity and bound to communalise the politics of the State. The politics of the Bill did, however, remain doormat even during the illness of Sheikh Mohammad Abdullah and particularly after June 1982. The issue of Resettlement Bill, in short, not only created serious conflict and controversies pertaining to Kashmir's constitutional relations with the Union, but also caused tensions and irritations between the autonomist and integrationist forces within the State⁹².

Sheikh Mohammad abdullah, however died as an unhappy person. At the age of 77 years, he was an exhausted man, more because of unhappy succession battle that had gripped not only the ruling National Conference but also his family. Any how, Dr. Farooq Abdullah had swept himself into the throne vacated by his farther on the fateful night of September 8, 1982. He, thus, took over powers where his father left. In June 1983, like 1977, the electorates reaffirmed again their faith in National Conference under the leadership of Dr.

Farooq Abdullah by returning it to power with thumping majority i.e. with 47 seats in 76 members house with 46.13% of the total vote cast. Congress-I, however, refused to accept its defeat in the Election. It started questioning the legality of the elections. The Congress leadership charged Dr. Abdullah and National Conference of joining hands with Pro-Pak secessionists, fundamentalists, communal, reactionary and feudalistic elements in the State, creating barrier between the people of the State and the rest of the country, exploiting the Kashmiris in the name of Islam, raising slogan that Islam was in danger and their future was insecure with Northern India Hindu communalists dominating the policies of the country and whipping up sectarian, parochical, regional and communal feelings of innocent people⁹³.

It got support from the Awami Action Committee, Jamait-i-Islami, Jamait-i-Tulba and its various sections and won the absolute majority. Even Mrs. Indira Gandhi accused Dr. Farooq Abdullah of encouraging the anti-India microscopic group in Kashmir and thus, a dangerous situation was being created in the State. The national press reported that the centre would have to act how-so-ever harsh that action might be. These factors ultimately led to the breach even among the leaders of National Conference(F). The climax of political drama came on July 2, 1984, when 12 members of the State Assembly accompanied by Mr. G.M. Shah met the Governor of the State along with Mr. Iftkar Hussain Ansari. The leader of the Congress Legislative party, and pleaded Dr. Farooq Abdullah had lost the confidence of the

Assembly and, therefore, had lost constitutional and moral right to continue in office⁹⁴. The Governor wanted that Assembly should be called immediately to prove majority support in favour of Dr. Farooq Abdullah's Government, when Dr. Abdullah refused to accept such an advice the governor dismissed Dr. Farooq Abdullah ministry and appointed G.M.Shah as the Chief Minister of the State in early July, 1984⁹⁵. During June 1983 to June 1984 the subdued fundamentalist and secessionist parties and groups not only extended their influence and became more popular but a few new groups like Al-Fateh, People League, Islamic Students league etc. also emerged⁹⁶.

But G.M.Shah's faulty policies led to the eruption of mal-administration, corruption, nepotism in the State administration as well as communal violence in the valley in general and in Anantnag in particular. The fundamentalists, secessionists and pro-Pak groups, particularly in the valley became very vocal and powerful. The possibility of secession of J&K State became prominent once again.

Fearing of losing public credibility, the State Congress(I) leadership not only started criticising G.M.Shah's Government, but also started putting pressure on the central leadership of the party to withdraw the party support to G.M.Shah's ministry. Consequently, with the withdrawal of Congress(I) support, G.M.Shah's ministry was reduced to minority and was dismissed by the State Governor in March, 1986⁹⁷, and President's rule was imposed under section 92 of the State Constitution⁹⁸.

As a result of Rajiv-Farooq Accord of November, 1986 paved the way to the establishment of NC(F) and Congress(I) coalition ministry headed by Farooq Abdullah in the State on 13 November, 1986.

In order to have a strong and stable Government, in the State, the 7th State Legislative Assembly was dissolved on 7th November, 1986, a midterm poll was announced to be held in March, 1987 except in Ladakh and Kargil.

However, the growth of communal scenario in the Country as a whole and in the neighbouring state of Punjab in particular had added fuel to the fire and inspired the fanatic forces to form the United Front against the ruling party. The Eighth Assembly Elections, which were due in March, 1987, were the immediate cause for the fundamentalist forces to merge together to challenge the National Conference(F)-Congress(I) alliance. The leadership of the fundamentalist and secessionist groups operating separately came to believe that the situation was quite favourable for strengthening the position and becoming a formidable rival of ruling National Conference. As a result an alternative political mainstream elements came together to form the United Muslims Front (UMF) on 21 April 1986. This conglomerate of religious and political organisations was presided over by Shia leader, Moulvi Abbas Ansari. It included the Jamait-e-Islami, the Jamaat-e-Tulba, the Jamaat-e-Afle-Hadis, the Anjuman Tahafuz-ul-Islami, the Muslim employees Front and the World Muslim Organisation. All of them were keen to politically cash in on the fact that Dr. Farooq had sold himself out to Rajiv Gandhi.

On September 2, 1986, U.M.F. was ^{disbanded} ~~dishounded~~⁹⁹. As a result M.U.F. a merger of 14 fundamentalist groups and parties, was formed in its place on the first day of ^{Muharram} ~~Maharam~~ in September, 1986. The major dominant groups were Jamait-i-Islami, Umaat-a-Huslinah, and Ittehad-ul-Muslimeen with Dr. Qazi Nissar as its top leader. The party not only challenged the secular and pro-India forces, the National Conference's political hegemony, the State's accession to Indian Union, rapped the centre and state ruling parties for perpetuating ^{dynastic} ~~dynamic~~ rule and their failing to protect and safeguard the rights of Kashmiri Muslims as well as their identity against the onslaught of secular forces but also pleaded for preservation of Muslim identity by bringing Nizam-e-Mustaf^a, resolution of all outstanding issues pertaining to kashmir between India and Pakistan in consultation with the people of the State¹⁰⁰.

^{palled} In spite of the fact that the party whipped up communal passion, it could win only four seats out of 53 contested seats and secured 31.9% of the total votes in the valley.

Though Dr. Farooq could have possibly won the elections on his own on Anti_India plank yet he chose to have an electoral alliance with Congress so as to make sure that he would return to power. In the elections, the National Conference and Congress had to face a lot of resistance. Feeling that the National Conference would loss by 14 to 15 seats, the party indulged in all possible malpractices. The worst being the misuse of police and administrative machinery in contriving the results¹⁰¹. Many MUF candidates, activists and workers

were picked up on the night of March 26, 1987 and thrown in the jails. The police also raided their head office and seized their record. These actions prompted pro-Pak, anti-India and anti-Rajiv-Farooq alliance rallies throughout the valley, sloganeering even Rajiv-Farooq Accord-Fraud, Fraud. They also threatened to start an agitation¹⁰².

The merger of fundamentalist and secessionist parties and groups of forming MUF had, therefore, polarised the pro-India and secular forces on one hand and anti-India, pro-Pak and pro-independence forces on the other.

The youth in Kashmir were, therefore, left bewildered on sudden waverings of their political leaders, causing them deep confusion and frustration. Unable to trust their political commanders and maestros any more, the innocent youth took arms to achieve the objective of self-determination and independence of Kashmir by resorting to violence. Obviously Pakistan and other fundamentalist and secessionist forces capitalized on these developments and boosted courage of young Kashmiri militants through promises of money and material¹⁰³.

There was enough evidence to believe that arms and ammunition began to flow into the State right from 1980 when the trouble in Punjab was at the peak. The law and order situation was also deteriorating, fundamentalist and secessionist forces were arming themselves with the help of Pakistan and the induction of arms and infiltrators into the valley continued. There had been growing strength of the secessionist forces, widening influence of the fundamentalist

organisations and deepening communal distrust all over the State. A virulent propaganda campaign was started among the Muslims in the entire valley as well as the Muslim majority district of Jammu region that the time had arrived for 'Jahad' against India for the liberation of the State and for preparing youths for it. The Jamit-e-Islamia cadres were inducted into the management bodies of the mosques and anti-India propaganda was initiated in the Muslim missionary schools. There was a rapid shift in the local press in favour of Muslim fundamentalism. The recitation of National Anthem and hoisting of National flag in the schools and other public places were discontinued¹⁰⁴. 27 ✓ 108

The Nationalist forces in the State tried their utmost to persuade the National Conference(F) and Congress(R) coalition partners to see the danger inherent in the fundamentalist resurgence in the State and the fresh inspiration it provided to the secessionist forces. But no concrete steps had been taken to counter it. The local party bosses even got Jagmohan the then State Governor removed at such a crucial juncture. He too said to have sent many despatches to the Government of India warning it of the impending disaster and proposed drastic changes in the State Government to meet the challenge the secessionist and fundamentalist forces posed¹⁰⁵. ✓ 109

Farooq's second Government, however, did not get off the ground from the very beginning. According to Mufti Mohammad Sayeed "The fact was that Farooq and Rajiv, when coming to their political understanding, did not prepare their respective parties rank and file. ing to

Ironically, Farooq maintained that the accord was only possible because it was a one-to-one deal and the rank and file were not consulted¹⁰⁶. 110 ✓

As a result nothing seemed to work well. The Alliance, instead of spreading things up seemed to show them down. The differences emerged between Farooq and central leadership as well as Congressmen in the State on "Durbar Move" issue: enhancing the power tariff and prices of mutton; selecting of the speaker of new Legislative Assembly; non availability of Central funds for taking over madrassas (Islamic religious school) induction of Mr. G.L.Dogra in cabinet in April 1989, granting of Scheduled Tribe states to Buddhists of Ladakh and the way the militancy in the state was being handled etc.¹⁰⁷. U 111 ✓

embattled
Farooq felt embittered. Apart from the escalating violence and militancy in the State, he also had to face criticism from all quarters. Delhi also conveyed its ire to the State Government, at the way militancy was being handled.

Meanwhile Vishwanath Pratap Singh was sworn in as the new P.M. of India on December 2, 1989¹⁰⁸. He approved the appointment of Mr. Jagmohan as new Governor of the State under pressure from political allies. Dr. Farooq Abdullah decided to quit and resigned as soon as Jagmohan appointment was made known to him. Farooq said that Jagmohan "behaved like a colonial ruler". He sought his social base from communal outfits which ultimately resulted in growth and spread of communal politics, unheard of in our State¹⁰⁹. He then left India and went to England. 112 113

→ Sermon Broadcasted on the Public Address
System of the Mosques in Srinagar
27-28 January 1990 (Extracts)

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sermon The following review ^{was, however, ed} broadcast on the public address system of the Mosques in Srinagar on January 27-28, 1990.

The aim of the Jihad is Azadi and it is enjoined by Almighty on all followers of Tauheed to participate in the Jihad. The crusade is for the establishment of Kashmir as an Islamic society. The heretics can only live in Islamic society if they accept the Islamic laws. The non-Muslims, have always helped the usurpers from outside to enslave the Muslim masses in Kashmir. For them, therefore, the only way is to quit this "pak sarzameen", the sacred land.

✓ 114 We have always protected the non-Muslims and they have always indulged in espionage. Now they are bewildered because the day of reckoning is on their head.

Hizab-ul-Islam issued the following handout:

Islam is our aim, Quran is our constitution. Jihad is our path; war till victory. God is great, ^{was cry} the way vry off Hizib is Allah-a-Akbar; the cry of Hizib-ul-Islam, take heed India.

1. Muslim brotherhood in Kashmir has risen in arms against the usurpers of its freedom, which has been snatched in 1947, and ever since. The Muslims have now taken to arms to free themselves from slavery. Muslim youth in the cities and towns and in the villages are to receive training in the use of arms to engage the Indian security forces.

2. There is no going back after the armed struggle begins. The jihad is invincible. We demand our right to freedom which has been recognised by the United

Nations Organisation in 1947, and the British Government, which ruled India then.

3. An all round attack has to be launched on the State administration which has run the Indian colonial administrative machine in the State, the Indian security forces at whose hands thousands of Mujahids have attained martyrdom and the enemies of the freedom of the Muslim brotherhood in Kashmir.

4. Muslims brotherhood of Kashmir is an integral part of the Umat-e-Islam, the Muslim nation of the world, which can no more be divided by any boundaries. There is no boundary between Kashmir and the Muslim Commonwealth of Pakistan, except that imposed by Indian imposters which at present divides the Muslims of Kashmir.

5. Traitors to the cause of Islam will alone shift the responsibility to serve the cause of Islam and they will receive the punishment that they ought to be given. All servants of Allah are enjoined to do whatever is in their power to wreck the Government from inside and outside, harass, demoralise and destroy Indian security personnel, eliminate the enemies of the revolution, propagate Muslim Law and Muslim Code of life, which is supreme law in Kashmir and participate in mass resistance to Indian oppression.

6. The community of Pandits, in Kashmir, which has in it the treacherous agents of India, has no option other than submit to the law of Islam as the Supreme law of Islam in Kashmir or leave Kashmir.

7. Our Youth is prepared to fight the Indian military with the support of the great Islamic Mujahidin of

Palestine and Afghanistan, they will achieve victory and liberate the Muslims here from the clutches of an oppressive and crafty usurper. Muslims have always fought for freedom and won it.

Jehad is victorious.

Hizab-Ul-Mujahidin issued the following ultimatum

to Kashmiri Pandits:

Hizib-ul-Mujahidin Ultimatum to Kashmiri pandits to leave Kashmir in two days. Published in Al-Safa 14 April, 1990.

Pandits, responsible for having perpetrated oppression and atrocity on the Muslims should quit in two days.

A spokesman of Hizib-ul-Mujahidin has stated that in a meeting of its Area Commanders, held yesterday, a decision was taken to give an ultimatum to the Kashmiri Pandits to leave Kashmir in two days. The spokesman said that all Pandits of Jammu and Kashmir should leave in two days. According to the spokesman behind the oppression and persecution of the Muslims, Pandits have a hand. He said that all the Pandits have become the instruments of Indian imperialism. He said that Pandits have received training in arms outside the valley and have drawn up plans to foment disturbances of a serious nature. He said that the Area Commander feel that the Pandits have a hand in the recent arrest of Mujahidin as well as the raids on their quarters. The spokesman said that the oppression against the Muslims is unleashed by them.

When Government of India indicated its interest in taking political initiatives to solve its Kashmir problem, Dr. Farooq Abdullah returned to India. Meanwhile

the movement for 'azaadi' in Kashmir floundered and lost its direction. Even prime Minister Pakistan Nawaz Sharif refused to allow the JKLF supporters, led by Amanullah Khan, to cross the 'Line of Actual Control' from Azad Kashmir into Kashmir in March, 1992. Dr Farooq Abdullah was also part of the Indian delegation to United Nations Human Rights Conference in Geneva led by Sh. Atal Behari Vajpayee. The fact that Dr. Farooq Abdullah was a Kashmiri Muslim, that he had administered Kashmir as a democratically elected Chief Minister, that he has witnessed first hand history of post-1947 Kashmir by virtue of the son of Sheikh Mohammad Abdullah and that he knew in details each attempt by Pakistan to disrupt the development of Kashmir, swung thinks in India's favour. He charged Pakistan with having created a proxy war and there never had been a war without human rights violations¹¹³. So far the violation of Human Rights in Kashmir is concerned Indo-American Kashmir Forum fact file¹¹⁷ mentioned on May 22, 1992 as under:-

The campaign by the militants in Kashmir is a fundamentalist. Islamic movement that has been ruthless in killing members of the minority communities in a random fashion as a result more than 2,50,000 Kashmiri Hindus and Sikhs have been forced to take refuge out of the valley. Is not terrorism against unarmed civilians a crime against humanity? Had the movement been a genuine freedom movement, it would have sought to

associate all Kashmiris, irrespect of
other religious, in a political dialogue
with the Government of India¹¹⁴

There was then a new governor Mr. Girish Chandra Saxena- in the State. Dr. Farooq was also informed that the V.P.Singh Government was on its way out in December, 1990. Chandra Shekhar became the new Prime Minister of India, who asked Dr. Farooq to join his cabinet as part of a political initiative to solve the Kashmir problem¹¹⁵. The Congress came back to power after general elections held in May, 1991 and Sh. Narsimha Rao became Prime Minister. He seemed to have applied his philosophy of letting time solve problems to the Kashmir issue as well.

The end of G.C.Saxena's tenure gave way to return of General K.V.krishna Rao as new State Governor, whom Dr. Farooq regarded as being very constitutional. After the destruction of Chrar-e-Sharief shrine on May 11, 1995 the Muslims in Kashmir realised that militancy was going nowhere and accomplishing nothing other than destruction of their cultural identity, the very thing for which they had been waging their decade long political battle¹¹⁶. On the occasion Dr. Farooq Abdullah said "whoever burnt the Chrar-e-Sharief thought that they could burn kashmiriyat. But Kashmiriyat is not going to die. You cannot burn history. The structure may go, but the values never die. It is those values that will show us a better tomorrow."

The people of Kashmir having become tired of the armed struggle and knowing that their future, for the moment, lies with India, started thinking an honourable

settlement of Kashmir issue. They, therefore, believed that the best solution was to restore a duly elected civilian Government. They also wanted some guarantees that satisfy their political aspirations and protect their cultural identity and let the people of Kashmir had a major say in running their own lives. The people wanted to renounce violence and to negotiate for the peace. There the starting emerging moderate voices in separatists movement also. The Kashmiri Muslims were started looking towards Dr. Farooq who had administrative and political experience and had always acted as the bridge between Delhi and Srinagar¹¹⁷. [2]

However, after a decade long militancy, considerable turbulence and turmoil in the State, caused by the proxy war imposed by the State of Pakistan, the elections to the Ninth Legislative Assembly could not be held well in time. In spite of the fact that over seven thousand youth, who had taken to militancy at the instigation of Pakistan, lost their lives, about the same number of innocent civilians were killed by the militants or became victims of cross fire, considerable devastation had occurred, large number of public and private buildings had been torched, developmental activities retarded, the economy put back by several years, a feeling of fear and despondency developed, an alien culture was sought to be imposed on the people against their wishes and the over all progress of the state considerably misspended yet because of the determination of the people to restore peace and revise democracy, the competence, dedication, courage and scarifies of security forces and the untiring efforts

due to gun culture,

of the administration, the situation had been turned around and an atmosphere conducive for the free and fair elections of the Ninth State Legislative Assembly had been ultimately created in 1996. The elections were, therefore, held in September, 1996.

The demand for pre-1953 status was once again, raised during 1996 Assembly Election. Even the All Jammu and Kashmir National Conference leadership raised the slogan of Maximum State Autonomy. ²⁷ Once again, its leadership believed that the internal autonomy guaranteed to the State under Instrument of Accession, ⁰ Art 370 of the Constitution of India as well as Delhi Agreement of 1952 was gradually eroded. The National Conference leadership believed that although in pre-53 era the State enjoyed sufficient amount of autonomy guaranteed by Article 370 of the Indian Constitution, but once its dilution started, the process continued at a rapid pace. At times the dilution of State's autonomy resulted into State-Centre tussles and on the other hand it forced the people of the State to believe that Article 370 is a mere trifle. According to them all this led to the alienation of the people of Kashmir from the national mainstream and culminated in the rise of current militancy. They emphasised that, in order to restore the confidence of the kashmiri masses as well as to keep the State a healthy and vibrant part of Indian union, it is essential that erosion of autonomy is done away with and the special status of the State is restored in letter and spirit¹¹⁸. They also stressed that autonomy or pre-1953 status would aim at the overall development of the State, welfare of its people

of Oct. 1947

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and not in any way going to affect the unity of J&K State as well as the integrity of the nation¹¹⁹. Hence the restoration of the State Autonomy was once again its major election plank. The return to power of Dr. Farooq Abdullah in Kashmir with 2/3 majority of the National Conference, after almost seven-year in wilderness, was a great occasion for the party. It is, therefore, the august duty of the National Conference Government to fulfil its election promises. On being elected to power with thumping majority the All Jammu and Kashmir National Conference, thus, seemed all set to drape the dream of Autonomy with the robes of a reality. Dr. Farooq Abdullah, therefore set up a State committee on November 29, 1996 under the chairmanship of Dr. Karan Singh, former Sadar-e-Riyasat to go into the question of the quantum of effective autonomy that the State may enjoy within the State's constitutional relationship with the centre as it evolved since it acceded to India¹²⁰. Dr. Karan Singh resigned as its Chairman on July 31, 1997 and vide Government order No. 1303-GAD of 1997 dated 19-8-1997. Shri Ghulam Mohi-Ud-Din Shah, P.W.D. Minister J&K Government was appointed as Chairman. The other members of the Committee were Sh. Abdul Ahad Vakil, Sh. Abdul Rahim Rather, Sh. Piyaraj Lal Handoo, Sh. Bodh Raj Bali, Molvi Iftikhar Hussain Ansari, Sh. Kushok thiksay, Mirza Abdul Rashid and S. Teja Singh¹²¹. The terms of references of the committee were as under:-

1. To examine and recommend measures for the restoration of autonomy to the State of J&K consistent with the Instrument of Accession, the Constitution

Autonomy

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however,

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by

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Application Order, 1950, and the Delhi Agreement of 1952.

2. To examine and recommend safeguards that be regarded necessary for incorporation in the Union/State Constitution to ensure that the constitutional arrangement that is finally evolved in pursuance of the recommendations of this committee is inviolable.

3. To also examine and recommend measures to ensure a harmonious relationship for the future between the State and the Union⁽¹²²⁾.

The Committee heard a large cross-section of people within and outside the state and received memoranda from many persons and also held discussions with leaders of political parties, eminent jurists, journalists and members of parliament from J&K. It has also consulted pertinent literature on the State's constitutional history since independence in order to understand why and how things went wrong after the initial years of promise. After almost two and a half years the Committee submitted its report to the Government recommending restoration of greater autonomy for the State. The Committee expressed firm belief that happy phase could yet be recalled and repeated if the mistakes and misjudgements that led to the termination were corrected. It expressed its faith in the future of the State as a willing, content and enthusiastic member of the Union of India remained undiminished¹²³.

The report of the committee, signed by all the nine members including its Chairman was tabled in the legislative Assembly on April 13, 1999. After discussing in details the extent of erosion caused to the State

autonomy from time to time the committee suggested remedial measures also¹²⁴. It has unanimously recommended the restoration of 1952 Delhi Agreement in J&K under which the Centre would have no control over State excepting three subjects of Defence, External Affairs and Communications. The major recommendations of the Committee have been summed up as under¹²⁵:-

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1. Centre shall have control over State only on Defence, External Affairs, Communication and Ancillary.
2. Nomenclature of Head of the State and Executive be change to pre-1952 position.
3. Article 370 of the Constitution of India, be made special provision instead of a temporary provision.
4. Article 356 of the Constitution of India, empowering centre to dismiss a State Government should not apply to the State.
5. Almost all major laws applied on J&K after 1953 be repealed.
6. All modifications made in Article 246 in its application to the State subsequent to 1950 Order be rescinded.
7. Article 248, 249, 250 and 251 whether applied in original or substituted/modified form should be omitted from their application to State.
8. Article 254 be restored to position it had in its application to State in 1954.
9. Article 262 and 263, which were not applicable under 1950 order but were subsequently extended to the State should cease to apply.
10. Article 255, 256, 357, 358, 359 and 360 should be made non applicable to the State as was the position

in 1954.

11. Article 72(1)(c), 72(3), 133, 134, 135, ^{136,} 138, 145(1)(c) and 151(2) should be made non applicable to the State as was the position in 1950 Order.

12. Articles 149, 150 and 151 should apply to State as was the position in 1950 Order.

13. Articles 218, 220, 222 and 256 be Omitted in their application to State ¹²⁶.

P In short the nine member Autonomy Committee has suggested that President of India should repeal all orders which were not in conformity with Constitution (Application to J&K) Order 1950 and the terms of Delhi Agreement of 1952. The committee was of the opinion that in the nature of thing redress could only be through another compact between Union and the State as forty years of unconstitutional practice had created a mess and the best course for the President was to repeal the orders which were not in conformity with Constitution (Application to J&K) Order 1950. It has further suggested to invoke Article 258 for entrusting to the State functions in relation to any matter to which the executive power of the Union extend. C It stressed that the issue is not one of executive functions by legislative powers apportioned between Union and the State under two solemn compacts between them. The Instrument of Accession in 1947 and the Delhi Agreement of 1952 to which the President's Order of May 14, 1954 gave constitutional sanction besides of course, Article 370. It further pointed out that 'ever since Article 370 (designed to protect the State autonomy) has acquired a dangerously ambiguous aspect,

130 — it has been used systematically to destroy it. A fresh compact is, therefore, necessary between the Union and the State which makes ample redress and finalises their relationship. The complexities of prevailing situation in the State render it the best, perhaps the only, course for removing the debris of any unhappy past and building the true union of India which reflects the most vital aspect of federalism, mutual trust and respect¹²⁷. The report, however, generated heated debates not only within the State but at national level too.

June 26, 2000
The Jammu and Kashmir Legislative Assembly in its stormy session on January 20, 2000 had adopted the State Autonomy Commission Report recommending greater autonomy for the State. But the Union Cabinet had rejected the Jammu and Kashmir Autonomy resolution on July 4, 2000. There are, however, deep differences in the different regions of the State about the feasibility of political package on greater autonomy to Jammu and Kashmir as demanded by the All Jammu and Kashmir National Conference. The centrist forces as well as Defence nationalists in Jammu region and the Buddhists in Ladakh along with certain other minorities, comprising about 46% of the State population opposed to any restructurisation of the existing constitutional relationship between centre and State. At the same time Muslims are also uncertain of whether the so-called package of "Greater Autonomy" would be acceptable to the varying militant outfits, in the valley as a basis for settlement with Indian Government. The pleaders of true federalism believe that its

implementation would finally accommodate all the regional aspirations whose subversion had led to the present turmoil in Jammu and Kashmir. The Indian Government on the other hand, perhaps believes that it can substitute 'autonomy' for the right of self-determination that the fundamentalist and secessionist forces, militarised by Pakistan in 1989-90, have been demanding for the last five decades¹²⁸. The intergrationalists from within and outside the state believe that the acceptance of the State Autonomy Committee report or granting of pre-1953 status to Jammu and Kashmir may act as basis for exclusion of the State from the Indian Constitutional organisation or may lead to the dismemberment of the State itself because of the emerging demand for trifurcation of the J&K State in Jammu and Ladakh region¹²⁹, which have always remained marginalised. They also believe that acceptance of the State Autonomy Committee Report would push the State back into the position of isolation in which it was placed from 1947 to 1954. The Dogra nationalists in Jammu opposed the way the Autonomy Resolution has been bulldozed through the J&K Assembly by Dr. Farooq Abdullah and his other National Conference leadership. They believe that the past 53 years have been a history of successive marginalisation of people of Jammu and Ladakh regions of the State and an unfair domination of Kashmir over Jammuites and Ladakhis¹³⁰. They refer the imbalances between all the three regions of the State, with Kashmir getting lion's share of attention as well as money from the Centre. They add that the successive State Governments have only added to the woes of Jammu and

Ladakh by their callous, cavalier and indifferent attitude towards the helpless people of the Jammu and Ladakh regions¹³¹. They are also of the view that the Autonomy Resolution of the National Conference is purely valley centric and is sought to be imposed upon the people of Ladakh and Jammu. The people of Jammu and Ladakh regions, on the other hand, want complete integration of the State with India minus the Article 370 of the Constitution of India¹³².

The critics of the Autonomy Report are also of the opinion that recognition of Jammu and Kashmir, as a separate Muslim identity, based upon the Muslim majority character of its population, repudiates of the Indian commitment to secularism and integration of the Indian people on the basis of the fundamental right to equality¹³³. The pro-Autonomy forces specially the National Conference leadership perhaps have not fully realised that Muslimisation of J&K the only Muslim majority state in India, would eventually disrupt the very foundations of the Indian political culture and threaten not only the secular values of the Indian nation but its unity as well¹³⁴. It is, therefore, amply clear that the Autonomy Committee Report intends to restore the constitution of the State to its original glory in order to make space for accommodation of the political aspirations of the people here and allow the unfettered progress of the eclectic culture of the region as unique and distinct from rest of the country. In short, in the broad background of terrorist violence which has ravaged the State for the last one decade, the demand for greater autonomy and restoration

the separate political identity of the state on the basis of the muslim majority character of its population, which will reinforce the muslim claim to a veto on the secession of the state to ^{India}. A few critics are of the opinion that the demand for autonomy simply reflects the unconcealed satisfaction with which its proponents are using the ground earned by militants, to pull out the state from the Indian political organisation. They further pointed out that with the Hindus of the valley in exile, there is no one left in Kashmir to weep for India. ¹⁴⁰

The National Conference leadership has, however, been bent upon to achieve the Greater Autonomy or pre-1953 status for the state by trying to mobilise public opinion in its favour inside and outside the state as well as putting all sort of pressure on the centre to accept the Greater Autonomy Resolution already adopted by the Jammu & Kashmir Legislative Assembly.

Meanwhile, the ~~prime~~ prime Minister of India's declaration of a unilateral ceasefire in Kashmir in the Holy month of Ramzan and its further extension after Ramzan had brought about a tremendous change in state's political scenario. This laudable and bold step of the prime Minister had been welcomed by all right-thinking people, especially the general public in Kashmir, who were the worst sufferers of ongoing man-made, called militancy. The ceasefire had generated a lot of

of the pre-1953 status to the State will necessitate restructurisation of the existing constitutional relation between the State and the Union of India and the withdrawal of the provisions of the Constitution of India extended to the State following the presidential proclamation of 1954¹³⁵. It will simply mean the restoration of enthusiasm and optimism all around. This move has also been welcomed by Hizbal Mujahideen, the last surviving group of Kashmiri extremists founded in 1990¹³⁸, the initial year of militancy. Some of the political elites in State are also of the view that if the ideals of our distinct humanistic identity are to be safeguarded, we all, from every nook and corner of the state, will have to rise to the occasion. For getting our narrow and selfish interests, we will have to unite for our collective good. This is possible only if the channels of communication between different sections and regions of the State that remain snapped, are reopened for meaningful communication. This will not only clear the mists of suspicion and prejudice, but will also create an atmosphere wherein, irrespective of our political or religious leaning all will feel as a single geographic entity which we are¹³⁹. The Pakistan government too responded to it favourably by initially announcing cessation of fire on the L.O.C. and subsequently the withdrawal of her troops from there¹⁴⁰. In his efforts to seek lasting solution to vexed Kashmir problem Mr.. Atal behari Vajpayee announced to resume talks with Pakistan at highest level provided Islamabad was sincere in creating a conducive atmosphere. He also announced that central government

would soon initiate talks with various representative groups within Jammu and Kashmir¹⁴¹. The Indian home Ministry officials perhaps believe that such talks may lead to the isolation of the Pakistan-controlled mercenaries from the Kashmiri people¹⁴². This new peace process not only over shadowed the Great Autonomy move for the time being but also created new hopes in the mind of Kashmiri masses who have lost their near and dear ones in the violence that has blooded the beautiful Kashmir valley.

References

- ✓1. Menon, V.P.: The Story of Integeration of Indian State. Op.cit. p.462.
- ✓2. Kaul, Santosh: Evaluation of the Constitutional Relationship between J&K State and Indian Union, Ph.D.Thesis, University of Jammu, 1972, p.145.
- ✓3. Instrument of Accession of Jammu and Kashmir State clause 7.
4. ✓ The Hindustan times dated 26th april, 52.
- ✓5-6. Koul, Santosh: Evluation of the Constitutional Relations between J&K State and Indian Union, op.cit. p.145.
- ✓7-6. Bhushan, Vidya; Jammu and Kashmir Politics. Its Critical Aspects Vol. I (unpublished Sceipt_p.71.
- ✓8-7. J&K Constitutional Assembly Debate Vol. I No.3 dated 5th Nov. 1951, p.1
- ✓9-8. Ibid. pp 22-24.
- ✓10-9. Ibid.
- ✓11-10. Ibid. pp 22-24.
- ✓12-11. Bhushan, Vidya: Jammu and Kashmir Politics: Its Critical Aspects Op.cit. p.71.
- ✓13-12. Ganjoo, Satish: Kashmir Politics, Anmol Publications, new Delhi, 1990 pp 33-34.
- ✓14-13. Bhushan, vidya: State Politics and Government: Jammu Kashmir Op.cit. p.177.
- ✓16-14. Ibid. pp 331-332.
- ✓17-15. Butt, Sannaullah: Kashmir in Flame. op.cit. pp. 54-
- ✓15. Khan, G.H.: Government And politics Jammu & Kashmir Op.cit pp 411-412

S. Jan, Asifa: Protest Movements and Democratic Culture & A study of Plebisite Front, Jammu & Ladakh Agitations in Jammu & Kashmir Op.cit. p.97

- 55.
- ✓ 18 — 16. Ganjoo, Satish: Kashmir Politics, op.cit. p-35.
- ✓ 19 — 17. Ibid, .pp. 35-36.
- ✓ 20 — 18. Jan, Asifa: Protest Movements and Democratic Culture, Ph.D. Thesis, University of Kashmir, 1994, p.325.
- ✓ 21 — 19. Ibid, .
- ✓ 22 — 20. Ibid. p.170.
- ✓ 23 — 21. Saraf, Mohammad Yusuf: Kashmiris Fight for Freedom Vol. II, op.cit. p.1214.
- ✓ 24 — 22. Ibid.
- ✓ 25 — 23. Resolution passed by the Working Committee of the Plebiscite Front 1956.
- ✓ 26 — 24. Resolution passed by the Working committee of Plebiscite Front on March 22, 1969, pp 49-55.
- ✓ 27 — 25. Jan, Asifa: Political Movements and Democratic culture, Op.cit. p-171.
- 28 — 26. the Memorandum submitted by President of Plebiscite Front to Eisenhower, the President of U.S.A. Dec. 5, 1959.
- 29 — 27. Butt, Roop Krishan: The Plebiscite Front: Its Organisation, Strategy and Role in Kashmir Political Social Review, vols. No.1-4. 1971, p.119.
- 30 — 28. Ganjoo, Satish: Kashmir politics, op.cit. p.39.
- 31 — 29. Jan, Asifa: Protest Movement and Democratic Culture, Op.cit. p.325.

30. Bhushan, Vidya: *State Politics and Government Jammu and Kashmir*, Op.cit. p.350.

32. Bakshi, S.R.: Sheikh Mohammad Abdullah, Jay Kay Book house, Jammu, 1995, p-183.

33. Ibid. p-185.

34. Saraf, Mohammad, Yusuf: Kashmiri's Fight for Freedom, Op.cit. p.1230.

35. The New York Times, . May 1, 1958.

36. Khan, G.M.: *Government and Politics of Jammu and Kashmir*, Op.cit. p.146.

37. Butt, Sanaullah: *Kashmir in Flames*, Op.cit. pp 69-70.

38. Ibid. p-70

39. Ganjoo, Satish: Kashmir Politics, Op.cit. p.43.

40. Jan, Afsia: Protest Movements and Democratic Culture, Op.cit. p.101.

41. Ganjoo, Satish: Kashmir Politics, Op.cit. p.45

45 — Ibid p-46

43. Jan, Asifa: *Protest Movements And Democratic Culture* op.cit. p.181

40. Kaul, Seema: *Regional And Religious Dimensions of Jammu & Kashmir politics Since 1947* op.cit p.185

32. Bhushan, Vidya: *State Politics And Government Jammu and Kashmir* op.cit. p.350

Jats
Saama Publications New Delhi 1983
PP 58-59

33. Raw, Hari: *Special Studies in Indian Federalism* Jammu & Kashmir op.cit p.412

- 46 ✓ — 42. Bhushan, Vidya: State Politics and Government, Jammu and Kashmir, Op.cit. p.335.
- 47 ✓ — 43. Ibid. p.335.
- 48 ✓ — 44. Sixth Constitution Amendment Act 1964 of J&K Constitution.
- 49 ✓ — 45. Khan G.M.: Government and Politics Jammu & Kashmir, 322, West basti Nizam-ud-Din, New Delhi, 1988, p.414.
- 50 ✓ — 46. Ibid.
- 51 ✓ — 47. Kak, B.L.: Kashmir Problem and Politics, Seema Publication, New Delhi, p.95.
- 52 ✓ — 48. Ibid. p.350.
- 53 ✓ — 49. Saraf, Mohammad Yusuf: Kashmiris Fight for Freedom, Vol. II Op.cit. p.1243.
- 54 ✓ — 50. Bakshi, S.R.: Sheikh Abdullah, Op.cit. p.188.
- 55 ✓ — 51. Ibid. p.193.
- 56 ✓ — 52. Ibid.
- 57 ✓ — 53. Ibid, p.194.
- 58 ✓ — 54. Ibid, p.195.
- 59 ✓ — 55. Ibid.
- 60 ✓ — 56. Ibid.
- 61 ✓ — 57. Ibid, p.196.
- 62 ✓ — 58. Ibid.
- 63 ✓ — 59. Ibid.
- 64 ✓ — 60. Ibid, p.197.
- 65 ✓ — 61. Ibid, p.198.
- 66 ✓ — 62. Ibid, p.199.
- 67 ✓ — 63. Ibid, p.200.
- 68 ✓ — 64. Ibid.
- 69 ✓ — 65. Butt, Sanaullah: Kashmir in flames, Op.cit. p.103.
- 70 ✓ — 66. Ibid, p.105.
- 71 ✓ — 67. Ibid.
- 72 ✓ — 68. Bakshi, S.R.: Sheikh Mohammad Abdullah, Op.cit. p.189.
- 73 ✓ — 69. Ibid, p.105.
- 74 ✓ — 70. Ibid, p.189.
- 75 ✓ — 71. Ganjoo, Satish: Kashmir Politics, p.viii.
- 76 ✓ — 72. Bakshi, S.R.: Sheikh Mohammad Abdullah, Op.cit. p.190.
- 77 ✓ — 73. Ibid.
- 78 ✓ — 74. Butt, Sanaullah: Kashmir in Flames, Op.cit. p.106.
- 79 ✓ — 75. Ibid, p.134.
- 80 ✓ — 76. Ibid.
- 81 ✓ — 77. Ibid.
- 82 ✓ —

- 46 ✓ — 42. Bhushan, Vidya: State Politics and Government, Jammu and Kashmir, Op.cit. p.335.
- 47 ✓ — 43. Ibid. p.335.
- 48 ✓ — 44. Sixth Constitution Amendment Act 1964 of J&K Constitution.
- 49 ✓ — 45. Khan G.M.: Government and Politics Jammu & Kashmir, 322, West basti Nizam-ud-Din, New Delhi, 1988, p.414.
- X 50 — 46. Ibid.
- ✓ X 51 — 47. Kak, B.L.: Kashmir Problem and Politics, Seema Publication, New Delhi, p.95.
- 50-52 — 48. Ibid. p.350.
- 51-53 — 49. Saraf, Mohammad Yusuf: Kashmiris Fight for Freedom, Vol. II Op.cit. p.1243.
- 52-54 — 50. Bakshi, S.R.: Sheikh Abdullah, Op.cit. p.188.
- 53-55 — 51. Ibid. p.193.
- 54-56 — 52. Ibid.
- 55-57 — 53. Ibid, p.194.
- 56-58 — 54. Ibid, p.195.
- 57-59 — 55. Ibid.
- 58-60 — 56. Ibid.
- 59-61 — 57. Ibid, p.196.
- 60-62 — 58. Ibid.
- 61-63 — 59. Ibid.
- 62-64 — 60. Ibid, p.197.
- 63-65 — 61. Ibid, p.198.
- 64-66 — 62. Ibid, p.199.
- 65-67 — 63. Ibid, p.200.
- 66-68 — 64. Ibid.
- 67-69 — 65. Butt, Sanauallah: Kashmir in flames, Op.cit. p.103.
- 68-70 — 66. Ibid, p.105.
- 69-71 — 67. Ibid.
- 70-72 — 68. Bakshi, S.R.: Sheikh Mohammad Abdullah, Op.cit. p.189.
- 71-73 — 69. Ibid, p.105.
- 72-74 — 70. Ibid, p.189.
- 73-75 — 71. Ganjoo, Satish: Kashmir Politics, p.viii.
- 74-76 — 72. Bakshi, S.R.: Sheikh Mohammad Abdullah, Op.cit. p.190.
- 75-77 — 73. Ibid.
- 76-78 — 74. Butt, Sanauallah: Kashmir in Flames, Op.cit. p.106.
- 77-79 — 75. Ibid, p.134.
- 78-80 — 76. Ibid.
- 79-81 — 77. Ibid.
- 80-82 —

- 81-83 — 78. Ibid.
- 82-84 — 79. Ganjoo, Satish: Kashmir Politics. Op.cit. p.47.
- 83-85 — 80. Ibid. p.49.
- 84-86 — 81. Ibid, p.49
- 85-87 — 82. Butt, Sanaullah: Kashmir in Flames, op.cit. pp 134-135.
- 86-88 — 83. Ibid, p.134.
- 87-89 — 84. The Statesman January 16, 1972.
- 88-90 — 85. The Times of India July 8, 1974.
- B — 86. Bhushan, Vidya: Jammu & Kashmir Politics: Its Critical Aspects Vol. II, op.cit. p.220.
- 89-91 — 87. i. The Hindustan Times June 13, 1972.
- 90-92 — ii. The Statesman, June 14, 1972.
- 91-93 — 88. Bhushan, Vidya: Jammu and Kashmir Politics : Its Critical Aspects Vol. II, Op.cit. p.222.
- 92-94 — 89. J&K Legislative Assembly Debate Sept-Oct. 1977, vol No.3, Sept.3, 1977 pp. 40-51.
- 93-95 — 90. the Tribune Feb. 25, 1975.
- 94-96 — 91. The Indian Express, Mzrch 4, 1975.
- 95-97 — 92. Raina, Manju: Centre State Relations irritations and Tensions: A Study of Jammu and Kashmir, Op.cit. p.98.
- 97-99 — 93. Bhushan, Vidya: Jammu & Kashmir Politics: Its Critical Aspects Vol. II, op.cit. pp 250-251.
- 98-100 — 94. Kaul, Seema: Regional and Religious Dimensions of Jammu and Kashmir Politics since 1947. Ph.D. Thesis, University of Delhi, 1992, p.197.
- 99-101 — 95. Ibid. p.198.
- 100-102 — 96. Rism, Ravinder Singh: *political parties split, merges And Alliances A case study Jammu & Kashmir*
- 101-103 — 97. Ibid.
- 102-104 — 98. Kaul, Seema: Regional and Religious Dimensions of Jammu and Kashmir Politics, Since 1947, op.cit. p.201.
- 103-105 — 99. Sinha, Aditya: Farooq Abdullah, UBSPD, New Delhi, 1996, p.180.
- 104-106 — 100. *Rism, Ravinder Singh: political parties split, merges And Alliances A case study*
- 105-107 — 101. Kashmir: the Crisis in Perspectrive Ed, by Tosham-ni, Raina Kaul, Indian Research Institution for Kashmir Affairs, 1991, p.19. *R*
- 106-108 — 102. Bakshi, S.D.: Farooq Abdullah, Op.cit. p.183.
- 107-109 — 103. Ganjoo, Satish: Kashmir Politics, op.cit. p.55.
- 108-110 — 104. Teng. Dr. M.K.: Gadoo, C.L.: White Paper on Kashmir, Joint Human Rights Committee, Jeoffry and Bell Inc. Publishers, B.30 IInd Floor, Chandergupt Complex, subhas *Chand Lalxmi Angas Delhi 110072 pp 39 43 P.T.O*

→ Sinha, Aditya: Farooq Abdullah
Op.cit p-183.

post independence
Ph.D. Thesis University of Jammu
Dec 1994 P-2-27

Jammu & Kashmir op.cit. p.232

Chowk Laxmi Nagar, Delhi, 110 092, pp 39-43.

105. Ibid.
106. Sinha, Aditya:Farooq Abdullah, Op.cit. p.198.
107. Ibid, pp. 197-215.
108. Ibid. p.227.
109. Ibid, p.227.
110. Teng, D.M.K., Gadoo, C.L.:White Paper on Kashmir, Op.cit. p.110.
111. Ibid, p.112-113.
112. Ibid, p.116.
113. Sinha, Aditya:Farooq Abdullah, Op.cit. p.234.
114. Teng, Dr. M.K., Gadoo, C.L.:white Paper, Op.cit. p.119.
115. Sinha, Aditya:Farooq Abdullah, Op.cit. p.235.
116. ibdi, p.238.
117. Ibid, p.243.
118. Bhushan, Vidya:Jammu and Kashmir politics:Its Critical Aspects Vol. II, Op.cit. p.225.
119. Ibid.
120. Ibid, pp. 225-226.
121. State Autonomy Committee Report, Jammu, April, 13, 1999, p.6 and p.12.
122. Ibid, p.7.
123. Ibid, p.10.
124. Ibid, p.11.
125. Daily Excelsior dated April 16, 1999.
126. Ibid.
127. Ibid.
128. Teng. Dr. M.K.Gadool, C.L.:Kashmir Greater Autonomy Joint Human Rights Committee Wa-88m, Shkarpur Delhi, Year not mentioned, pp 1-2.
129. Ibid.
130. Trifurcation of J&KL State Article of Lt. Col. Mukund Singh jamwal, Dailyb Excelsior, Jammu, Oct, 25, 2000.
131. Ibid.
132. Ibid.
133. Tang, Dr. M.K., Gadool, C.L.:Kashmir Greater Autonomy, Op.cit.
134. Ibid, p.15.
135. Ibid, p.16.
136. Ibid.
137. Ibid.
138. India Today, March 14, 2000 P-30
- 139 - New Hope - Journal of Kashmiri Foundation For Peace And Developmental Studies Gogji Bagh, Srinagar vol 1, No 6 Nov-Dec. 2000 P-1
- 140 Daily Excelsior, Jammu, January 1, 2001
141. Daily Excelsior, Jammu January 2, 2001
142. India Today, March 14, 2000 P-32

- ~~143~~ 141 138. India Today March 14, 2000 p.30.
~~144~~ 142 139. New Hope-Journal of Kashmir Foundation for Peace
 and Developmental Studies. Gogji Bagh, Srinagar Vol.
 I, Nov-Dec. 2000, p.1.
~~145~~ 143 140. Daily Excelsior, Jammu January 1, 2001.
~~146~~ 144 141. Daily Excelsior, Jammu, January 2, 2001.
~~147~~ 145 142. India Today March 14, 200, p.32.

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UNION JURISDICTION
OVER
JAMMU AND KASHMIR

Other works of the author

1. Commentary on the Constitution of India,
2nd Edition, January, 1952.
2. Annotated Constitution of India, June, 1953.
3. Cases on the Constitution of India (1950-51).
4. Cases on the Constitution of India (1952-54)
—In preparation.

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UNION JURISDICTION OVER JAMMU & KASHMIR

The Constitutional History of Jammu & Kashmir.—Under the British regime, Jammu & Kashmir was an Indian State ruled by a hereditary Maharaja. On the 26th October, 1947, when the State was attacked by Azad Kashmir Forces with the support of Pakistan, the Maharaja was obliged to seek the help of India, after executing an Instrument of Accession similar to that executed by the Rulers of other Indian States. By the Accession, thus, the Union acquired jurisdiction over the State with respect to the subjects of Defence, External Affairs and Communications, and like other Indian States which "survived as political units at the time of the making of the Constitution of India, the State of Jammu & Kashmir was included as a Part B State in the First Schedule of the Constitution.

But though the State was included as a Part B State, all the provisions of the Constitution applicable to Part B States were not extended to Jammu & Kashmir, and the position of this State within the framework of the Constitution of India was peculiar. This peculiar position was due to the fact that having regard to the circumstances in which the State acceded to India, the Government of India had declared that it was the people of the State of Jammu & Kashmir, acting through their Constituent Assembly, who were to finally determine the Constitution of the State and the jurisdiction of the Union of India over it, and the provisions of the Constitution regarding this State were, accordingly, to be in the nature of an interim arrangement.

The Constitution of India thus provided that the only Articles of the Constitution which would apply of their own force to Jammu and Kashmir were—Arts. 1 and 370. The application of the other Articles would be determined by the President in consultation with the Government of this State. The legislative authority of Parliament over this State, again, would be confined to those items of the Union and Concurrent Lists as correspond to matters specified in the Instrument of Accession. The above interim arrangement would continue until the Constituent Assembly for Jammu and Kashmir makes its decision. It would then communicate its recommendations to the President, who would either abrogate Art. 370 or make such modifications as might be recommended by that Constituent Assembly.

In pursuance of the above provisions of the Constitution, the President made the Constitution (Application to Jammu & Kashmir) Order, 1950,¹ in consultation with the Government of the State of Jammu

¹ See *Basu's COMMENTARY ON THE CONSTITUTION OF INDIA*, 2nd Ed., pp. 840-3.

& Kashmir, specifying the matters with respect to which the Union Parliament would be competent to make laws for Jammu & Kashmir. The Order also extended certain other provisions of the Constitution to the State, with modifications.

So long there was no change in the internal administration of the State under the hereditary Chief. But towards the latter part of 1951, under pressure from the Abdullah Cabinet, Maharaja Hari Singh was obliged to abdicate in favour of his son Yuvaraj Karan Singh. He was later elected by the Constituent Assembly of the State (which came with existence in October, 1951) as the '*Sadar-i-Riyasat*'. Thus, came to an end the princely rule in the State of Jammu & Kashmir and the head of the State was henceforth to be an elected person. Government of India accepted this position by making a Declaration of the President under Art. 370(3) of the Constitution (15th November, 1952) to the effect that for the purposes of the Constitution, 'Government' of the State of Jammu & Kashmir—

"Means the person for the time being recognised by the President on the recommendation of the Legislative Assembly of the State as the *Sadar-i-Riyasat* of Jammu & Kashmir, acting on the advice of the Council of Ministers of the State for the time being in office".

Next, there was an Agreement between the Governments of India and of the State at Delhi in June, 1952 as to the subjects over which the Union should have jurisdiction over the State subject to the decision of the Constituent Assembly. It was also agreed at that Agreement that the *Sadar-i-Riyasat* would have the position of Governor or Rajpramukh of a State under the Constitution of India *vis-a-vis* the Government of India. Then came, on the 8th August, 1953, the dismissal of the Chief Minister Sk. Abdullah by the *Sadar-i-Riyasat* on the ground of inefficiency and loss of confidence of the people.

The Constituent Assembly of Jammu & Kashmir ratified the accession to India and also the decisions arrived at the Delhi Agreement as regards the future relationship of the State with India, early in 1954. In pursuance of this, the President, in consultation of the State Government, made the Constitution (Application to Jammu & Kashmir) Order, 1954. This Order implements the Delhi Agreement as ratified by the Constituent Assembly and also supersedes the Order of 1950.

According to this Order, in short, the jurisdiction of the Union will now extend to all Union subjects under the Constitution of India (subject to certain slight alterations), instead of only the three subjects of Defence, Foreign Affairs and Communications with respect to which the State had acceded to India in 1947. The Order deals with the entire constitutional position of the State within the framework of the Constitution of India, excepting only the internal Constitution of the State Government, which

will be framed by the Constituent Assembly of the State. The Order came into force on the 14th May, 1954.

The object of these few pages is to analyse the effects of this Order of 1954.

Text of the Constitution (Application to Jammu & Kashmir) Order, 1954.—The new Order runs as follows :

In exercise of the powers conferred by clause (1) of article 370 of the Constitution, the President, with the concurrence of the Government of the State of Jammu and Kashmir, is pleased to make the following Order :—

1. (1) This Order may be called the Constitution (Application to Jammu and Kashmir) Order, 1954.

(2) It shall come into force on the fourteenth day of May 1954, and shall thereupon supersede the Constitution (Application to Jammu and Kashmir) Order, 1950.

2. The provisions of the Constitution which, in addition to article 1 and article 370, shall apply in relation to the State of Jammu and Kashmir and the exceptions and modifications subject to which they shall so apply shall be as follows :—

(1) THE PREAMBLE.

(2) PART I.

To article 3, there shall be added the following further proviso, namely :—

"Provided further that no Bill providing for increasing or diminishing the area of the State of Jammu and Kashmir or altering the name or boundary of that State shall be introduced in Parliament without the consent of the Legislature of that State."

(3) PART II.

(a) This Part shall be deemed to have been applicable in relation to the State of Jammu and Kashmir as from the 26th day of January, 1950.

(b) To article 7, there shall be added the following further proviso, namely :—

"Provided further that nothing in this article shall apply to a permanent resident of the State of Jammu and Kashmir who, after having so migrated to the territory now included in Pakistan, returns to the territory of that State under a permit for resettlement in the State or permanent return issued by or under the authority of any law made by the Legislature of that State, and every such person shall be deemed to be a citizen of India."

(4) PART III.

(a) In article 13, the references to the commencement of the Constitution shall be construed as references to the commencement of this Order.

(b) In clause (4) of article 15, the reference to Scheduled Tribes shall be omitted.

(c) In clause (3) of article 16, the reference to the State shall be construed as not including a reference to the State of Jammu and Kashmir.

(d) In article 19, for a period of five years from the commencement of this order :

(i) in clauses (3) and (4), after the words "in the interests of" the words "the security of the State or" shall be inserted ;

(ii) in clause (5), for the words "or for the protection of the interests of any Scheduled Tribe" the words "or in the interests of the security of the State" shall be substituted ; and

(iii) the following new clause shall be added, namely :—

'(7) The words "reasonable restrictions" occurring in clauses (2), (3), (4) and (5) shall be construed as meaning such restrictions as the appropriate Legislature deems reasonable.'

(e) In clauses (4) and (7) of article 22, for the word "Parliament", the words "the Legislature of the State" shall be substituted.

(f) In article 31, clauses (3), (4) and (6) shall be omitted ; and for clause (5), there shall be substituted the following clause, namely :—

"(5) Nothing in clause (2) shall affect—

(a) the provisions of any existing law ; or

(b) the provisions of any law which the State may hereafter make—

(i) for the purpose of imposing or levying any tax or penalty ; or

(ii) for the promotion of public health or the prevention of danger to life or property ; or

(iii) with respect to property declared by law to be evacuee property."

(g) In article 31A, the proviso to clause (1) shall be omitted ; and for sub-clause (a) of clause (2), the following sub-clause shall be substituted, namely :—

'(a) "estate" shall mean land which is occupied or has been let for agricultural purposes or for purposes subservient to agriculture, or for pasture, and includes—

(i) sites of buildings and other structures on such land ;

(ii) trees standing on such land ;

(iii) forest land and wooded waste ;

(iv) area covered by or fields floating over water ;

(v) sites of jandars and gharats ;

(vi) any jagir, inam, muafi or mukarrari or other similar grant ; but does not include—

(i) the site of any building in any town, or town area or village abadi or any land appurtenant to any such building or site ;

(ii) any land which is occupied as the site of a town or village ; or

(iii) any land reserved for building purposes in a municipality or

notified area or cantonment or town area or any area for which a town planning scheme is sanctioned."

(h) In article 32, clause (3) shall be omitted ; and after clause (2), the following new clause shall be inserted, namely :—

"(2A) Without prejudice to the powers conferred by clauses (1) and (2), the High Court shall have power throughout the territories in relation to which it exercises jurisdiction to issue to any person or authority, including in appropriate cases any Government within those territories, directions or orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any of them, for the enforcement of any of the rights conferred by this Part."

(i) In article 35—

(i) references to the commencement of the Constitution shall be construed as references to the commencement of this Order ;

(ii) in clause (a) (i), the words, figures and brackets "clause (3) of article 16, clause (3) of article 32" shall be omitted ; and

(iii) after clause (b), the following clause shall be added, namely :—

"(c) any law in force immediately before the commencement of the Constitution (Application to Jammu and Kashmir) Order, 1954, in the State of Jammu and Kashmir with respect to preventive detention shall continue in force until altered or repealed or amended by the Legislature of that State."

(j) After article 35, the following new article shall be added, namely :—

"35A. Saving of laws with respect to permanent residents and their rights.—Notwithstanding anything contained in this Constitution, no existing law in force in the State of Jammu and Kashmir, and no law hereafter enacted by the Legislature of the State,—

(a) defining the classes of persons who are, or shall be, permanent residents of the State of Jammu and Kashmir ; or

(b) conferring on such permanent residents any special rights and privileges, or imposing upon other persons any restrictions, as respects—

(i) employment under the State Government ;

(ii) acquisition of immovable property in the State ;

(iii) settlement in the State ; or

(iv) right to scholarships and such other forms of aid as the State Government may provide,

shall be invalid on the ground that it is inconsistent with or takes away or abridges any rights conferred on the other citizens of India by any provision of this Part."

(5) PART V.

(a) In articles 54 and 55, the references to the elected members of the House of the People and to each such member shall include a reference to the representatives of the State of Jammu and Kashmir in that House ; and

the population of the State shall be deemed to be forty-four lakhs and ten thousand.

(b) In the proviso to clause (1) of article 73, the words "or in any law made by Parliament" shall be omitted.

(c) Article 81 shall apply subject to the modification that the representatives of the State in the House of the People shall be appointed by the President on the recommendation of the Legislature of the State.

(d) In article 134, clause (2), after the words "Parliament may", the words "on the request of the Legislature of the State" shall be inserted.

(e) Articles 135, 136 and 139 shall be omitted.

(f) In articles 149 and 150, references to the States shall be construed as not including the State of Jammu and Kashmir.

(g) In article 151, clause (2) shall be omitted.

(6) PART XI.

(a) In article 246, the words "Notwithstanding anything in clauses (2) and (3)" occurring in clause (1), and clauses (2), (3) and (4) shall be omitted.

(b) Articles 248 and 249 shall be omitted.

(c) In article 250, for the words "to any of the matters enumerated in the State List", the words "also to matters not enumerated in the Union List" shall be substituted.

(d) In article 251, for the words and figures "articles 249 and 250", the word and figures "article 250" shall be substituted and the words "under this Constitution" shall be omitted; and, for the words "Under either of the said articles", the words "Under the said article" shall be substituted.

(e) To article 253, the following proviso shall be added, namely:—

"Provided that after the commencement of the Constitution (Application to Jammu and Kashmir) Order, 1954, no decision affecting the disposition of the State of Jammu and Kashmir shall be made by the Government of India without the consent of the Government of that State."

(f) In article 254, the words "or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2)" and the words "or as the case may be, the existing law", occurring in clause (1) and the whole of clause (2) shall be omitted.

(g) Article 255 shall be omitted.

(h) Article 256 shall be renumbered as clause (1) of that article, and the following new clause shall be added thereto, namely:—

"(2) The State of Jammu and Kashmir shall so exercise its executive power as to facilitate the discharge by the Union of its duties and responsibilities under the Constitution in relation to that State; and in particular, the said State shall, if so required by

the Union, acquire or requisition property on behalf and at the expense of the Union, or if the property belongs to the State, transfer it to the Union on such terms as may be agreed, or in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India."

(i) Article 250 shall be omitted.

(j) In clause (2) of article 261, the words "made by Parliament" shall be omitted.

(7) PART XII.

(a) Clause (2) of article 267, article 273, clause (2) of article 283, articles 290 and 291 shall be omitted.

(b) In articles 266, 282, 284, 298, 299 and 300, references to the State or States shall be construed as not including references to the State of Jammu and Kashmir.

(c) In articles 277 and 295, references to the commencement of the Constitution shall be construed as references to the commencement of this Order.

(8) PART XIII.

(a) In clause (1) of article 303, the words "by virtue of any entry relating to trade and commerce in any of the Lists in the Seventh Schedule" shall be omitted.

(b) In article 306, references to the commencement of the Constitution shall be construed as references to the commencement of this Order.

(9) PART XIV.

In article 308, after the words "First Schedule", the words "other than the State of Jammu and Kashmir" shall be added.

(10) PART XV.

(a) Article 324 shall apply only in so far as it relates to elections to Parliament and to the offices of President and Vice-President.

(b) Articles 325, 326, 327, 328 and 329 shall be omitted.

(11) PART XVI.

(a) Articles 331, 332, 333, 336, 337, 339 and 342 shall be omitted.

(b) In article 330, references to the "Scheduled Tribes" shall be omitted.

(c) In articles 334 and 335 references to the State or the States shall be construed as not including references to the State of Jammu and Kashmir.

(12) PART XVII.

The provisions of this Part shall apply only in so far as they relate to—

(i) the official language of the Union;

(ii) the official language for communication between one State and another, or between a State and the Union; and

(iii) the language of the proceedings in the Supreme Court.

(13) PART XVIII.

(a) Articles 356, 357 and 360 shall be omitted.

(b) To article 352, the following new clause shall be added, namely :—

“(4) No Proclamation of Emergency made on grounds only of internal disturbances or imminent danger thereof shall have effect in relation to the State of Jammu and Kashmir (except as respects article 354) unless it is made at the request of or with the concurrence of the Government of that State.”

(14) PART XIX.

(a) In article 361, after clause (4), the following clause shall be added, namely :—

“(5) The provisions of this article shall apply in relation to the *Sadar-i-Riyasat* of Jammu and Kashmir as they apply in relation to a Rajpramukh, but without prejudice to the provisions of the Constitution of that State.”

(b) Articles 362 and 365 shall be omitted.

(c) In article 366, clause (21) shall be omitted.

(d) To article 367, there shall be added the following clause, namely :—

“(4) For the purposes of this Constitution as it applies in relation to the State of Jammu and Kashmir—

(a) references to this Constitution or to the provisions thereof shall be construed as references to the Constitution or the provisions thereof as applied in relation to the said State ;

(b) references to the Government of the said State shall be construed as including references to the *Sadar-i-Riyasat* acting on the advice of his Council of Ministers ;

(c) references to a High Court shall include references to the High Court of Jammu and Kashmir ;

(d) references to the Legislature or the Legislative Assembly of the said State shall be construed as including references to the Constituent Assembly of the said State ;

(e) references to the permanent residents of the said State shall be construed as meaning persons who, before the commencement of the Constitution (Application to Jammu and Kashmir) Order, 1954, were recognised as State subjects under the laws in force in the State or who are recognised by any law made by the State Legislature as permanent residents of the State, and

(f) references to the Rajpramukh shall be construed as references to the person for the time being recognised by the President as the *Sadar-i-Riyasat* of Jammu and Kashmir and as including references to any person for the time being recognised by the President as being competent to exercise the powers of the *Sadar-i-Riyasat*.

(15) PART XX.

To article 368, the following proviso shall be added, namely :—

“Provided further that no such amendment shall have effect in relation to the State of Jammu and Kashmir unless applied by order of the President under clause (1) of article 370”.

(16) PART XXI.

(a) Articles 369, 371, 373, clauses (1), (2), (3) and (5) of article 374 and articles 376 to 392 shall be omitted.

(b) In article 372—

(i) clauses (2) and (3) shall be omitted.

(ii) references to the laws in force in the territory of India shall include references to *hidayats*, *ailans*, *ishtihars*, circulars, *robkars*, *irshads*, *yadashts*, State Council Resolutions, Resolutions of the Constituent Assembly, and other instruments having the force of law in the territory of the State of Jammu and Kashmir ; and

(iii) references to the commencement of the Constitution shall be construed as references to the commencement of the Constitution (Application to Jammu and Kashmir) Order, 1954.

(c) In clause (4) of article 374, the reference to the authority functioning as the Privy Council of a State shall be construed as a reference to the Advisory Board constituted under the Jammu and Kashmir Constitution Act, 1996, and references to the commencement of the Constitution shall be construed as references to the commencement of this Order.

(17) PART XXII : Articles 394 and 395 shall be omitted.

(18) FIRST SCHEDULE.

(19) SECOND SCHEDULE.

Paragraph 6 shall be omitted.

(20) THIRD SCHEDULE. Forms V, VI, VII and VIII shall be omitted.

(21) FOURTH SCHEDULE.

(22) SEVENTH SCHEDULE.

(a) In the Union List—

(i) for entry 3, the entry “3. Administration of cantonments” shall be substituted ;

(ii) entries 8, 9, 33 and 34, the words “trading corporations including” in entry 43, entries 44, 50, 52, 54, 55, 60, 67, 69, 78 and 79, the words “inter-State migration” in entry 81, and entry 97 shall be omitted ;

(iii) for entry 53, the entry “53. Petroleum and Petroleum Products, but excluding the regulation and development of oilfields and mineral oil resources ; other liquids and substances declared by Parliament by law to be dangerously inflammable” shall be substituted ; and

- (iv) in entries 72 and 76, the reference to the States shall be construed as not including a reference to the State of Jammu and Kashmir.

(b) The State List and the Concurrent List shall be omitted.

(23) EIGHTH SCHEDULE.

(24) NINTH SCHEDULE.

After entry 13, the following entries shall be added, namely :—

- "14. The Jammu and Kashmir Big Landed Estates Abolition Act (No. XVII of 2007).
15. The Jammu and Kashmir Restitution of Mortgaged Properties Act (No. XVI of 2206).
16. The Jammu and Kashmir Tenancy Act (No. II of 1980).
17. The Jammu and Kashmir Distressed Debtors Relief Fund (No. XVII of 2006).
18. The Jammu and Kashmir Alienation of Land Act (No. V of 1995).
19. Order No. 6-H of 1951, dated 10th March 1951 regarding Resumption of Jagirs and other assignments of Land Revenue etc.
20. The Jammu and Kashmir State Kuth Act (No. I of 1978)."

APPLICABILITY OF THE CONSTITUTION TO JAMMU & KASHMIR

When analysed, the Constitution (Application to Jammu & Kashmir) Order, 1954, gives the following outline of the constitution of Jammu & Kashmir with reference to the various provisions of the Constitution of India.

Preamble.—The Preamble of the Constitution of India now extends to Jammu & Kashmir.

Territory.—Jammu & Kashmir is a Part B State and forms a part of the territory of India.

It would be possible for the Parliament of India to increase or diminish the area of Jammu & Kashmir, to alter its name or boundaries in the manner provided in Arts 3-4 but only if the Legislature of Jammu & Kashmir consents. Herein the status of Jammu & Kashmir markedly differs from that of other Part B States. In the case of other Part B States, only the views of their Legislatures are ascertained by the President before recommending the introduction of a Bill relating to these matters, but in the case of Jammu & Kashmir, no such Bill shall be introduced in Parliament unless the Legislature of that State consents.³

Citizenship.—People of Jammu & Kashmir will be citizens of India

² Cl. 2 (2) of the Order.

at the commencement of the Constitution of India (26-1-50), if they satisfy the conditions laid down in Art. 5 or 6.

A 'permanent resident'³ of Jammu & Kashmir who migrated to Pakistan but returns to Jammu & Kashmir under a valid permit for resettlement or permanent return, will be a citizen of India.

Arts. 8-11 of the Constitution will extend to Jammu & Kashmir, and the law of citizenship that Parliament may enact under Art. 11 will extend to Jammu & Kashmir.

Fundamental Rights.—The provisions of Part III of the Constitution of India will generally extend to Jammu & Kashmir, with the following exceptions or modifications :

- (i) The Fundamental Rights shall come into force in the territory of Jammu & Kashmir, not with effect from 26-1-50, but with effect from 14-5-54.⁴ It follows that the Fundamental Rights shall have no retrospective effect so as to affect rights and liabilities accrued before that date.
- (ii) The guarantee of equality before the law and equal protection of the laws (Art. 14) will fully apply in Jammu & Kashmir.
- (iii) Art. 5 relating to prohibition of discrimination will also apply in Jammu & Kashmir, with the difference that there are no 'Scheduled Tribes' in that State, for the purposes of cl. (4) of Art. 15.
- (iv) All the clauses of Art. 16, excepting cl. (3), will extend to Jammu & Kashmir. The result will be that Parliament shall have no power to make any law under cl. (3) in relation to that State, requiring residence within that territory as a condition for any employment in that State. But the Legislature of Jammu & Kashmir is empowered to provide for special treatment of the 'permanent residents' of the State, in this respect.⁵
- (v) The provisions relating to 'untouchability' (Art. 17), and abolition of titles (Art. 18) shall extend to Jammu & Kashmir.
- (vi) All the freedoms guaranteed by Art. 19 (1) will be available to any citizen of India in Jammu & Kashmir, with these temporary but important differences which will exist only during the period of five years from 14-5-54 :—

1. The freedoms of assembly, association, movement, residence, and of property, guaranteed by sub-cl. (b)-(f) of Art. 19 (1) shall be subject to restrictions on an additional ground, viz. 'security of the State'.

³ This expression is not defined in the Constitution Order. It is left to the laws of Jammu & Kashmir (existing or future) to define the classes of person who are 'permanent residents' of Jammu & Kashmir (Art. 35A, inserted by cl. 2 (4) (j) of the Order. [See p. 13, post].

⁴ Cl. 2 (4) (a) of the Order.

⁵ Cl. 2 (4) (j) of the Order, inserting Art. 35 A in the Constitution.

2. Though the restrictions imposed upon the freedom of profession, business etc. under cl. (6) of Art. 19 will be subject to judicial review as in India, there will be no judicial review of the restrictions imposed under cls. (2)-(5), i.e. upon the freedoms of expression, assembly, association, movement, residence and property.

This special provision empowering the Legislature to impose additional restrictions upon the freedoms guaranteed by Art. 19 for a period of five years has been made in view of the peculiar circumstances in which the State is now placed owing to a part of the State territory being in the occupation of an alien Power which has aggressive intentions even as to the rest of the territory.

(vii) Arts. 20 and 21 shall fully apply in Jammu & Kashmir.

(viii) Art. 22, relating to Preventive Detention will apply, except that the power of legislation conferred by cl. (7) will belong to the Legislature of Jammu & Kashmir instead of Parliament,⁶ and that the existing law of the State with respect to preventive detention shall continue to be in force until repealed or amended by the Legislature of the State which shall have sole legislative power with respect to preventive detention.⁷

(ix) Art. 31, relating to right to property will apply, with the following differences :

1. Cls. (3), (4) and (6) will not apply. Hence, there is no question of obtaining the assent of the President for enacting any law of compulsory acquisition of property under cl. (2).

2. Cl. (5) will apply to all existing laws. Sub-cl. (iii) has been simplified by simply referring to 'property declared by law to be evacuee property.'

(ix) Art. 31A will apply with these differences—

1. There is no need for obtaining assent for enacting a law coming within the scope of cl. (1).

2. A new definition of 'estate' has been substituted for the existing definition in sub-cl. (a) of cl. (2).

The result of this substitution is momentous inasmuch as it materially extends the scope of cl. (1) of Art. 31A. The result is that—

Any law providing for the acquisition of any of the following kinds of property or any rights therein shall not fail on the ground of contravention of any of the Fundamental Rights included in Part III of the Constitution :

- (a) Land which is occupied for agricultural purposes ;
- (b) Land which was originally let out for agricultural purposes, or for purposes subservient to agriculture, whatever be the purposes for which it is being used at the time of acquisition.

⁶ Cl. 2 (4) (e) of the Order.

⁷ Cl. 2 (4) (i) (iii) of the Order ; Cl. 2 (22) (a) (ii) of the Order.

- (c) Land which was let for pasture, irrespective of its subsequent user.
- (d) Sites of buildings and other structures on any land as specified in (a)-(c), above.
- (e) Trees standing on such land.
- (f) Forest land and wooded waste.
- (g) Area covered by or fields floating over water.
- (h) Sites of 'jandars' and 'gharats'.
- (i) Any jagir, inam, muafi, mukarrari or other similar grant.

The following properties are excluded from the definition of 'estate'—

- (a) Site of any building in any town or town area or village *abadi* or any land appurtenant to any such building.
- (b) Any land which is *occupied* as the site of a town or village.
- (c) Any land reserved for building purposes in a municipality or notified area or cantonment or town area for which a town planning scheme is sanctioned.

(d) Art. 31B extends to Jammu & Kashmir, and the Acts of that State which have been included in the Ninth Schedule have been already specified.

Special treatment of 'permanent residents'.—A most prominent feature of the Constitution of Jammu & Kashmir, as distinguished from the rest of India, is the provision for special treatment of the 'permanent residents' of Jammu & Kashmir.⁸

The permanent residents are such persons as are declared to be so by any existing law of the State or by any future law enacted by the Legislature of the State.⁹ And any such law may either confer special rights or privileges or impose restrictions upon the permanent residents with respect to any or all of the following matters—

- (i) Employments under the State Government.
- (ii) Acquisition of immovable property in the State.
- (iii) Settlement in the State.
- (iv) Right to scholarships and such other forms of aid as the State Government may provide.

Such legislation shall be valid notwithstanding that it is inconsistent with the fundamental rights conferred by the Constitution upon the other citizens of India [e. g., by Art. 15 (1), 16 (1), 19 (1) (e), (f)].

Power of Supreme Court and High Court to issue writs.—The Supreme Court and the High Court of Jammu and Kashmir shall have the power to issue the writs or orders in the nature thereof, as mentioned in Art. 32, for the purpose of enforcement of the Fundamental Rights.¹⁰

⁸ Cl. 2 (14) (E) of the Order.

⁹ Cl. 2 (4) (J), of the Order.

¹⁰ Parliament shall have no authority to empower the Supreme Court to issue the writs for any purpose other than the enforcement of Fundamental Rights, in relation to Jammu & Kashmir [Cl. 2 (5) (e) of the Order].

Art. 226 does not extend to Jammu & Kashmir and the High Court of that State shall have no power to issue the writs for any purpose other than the enforcement of Fundamental Rights. But the power of that High Court to issue the writs for the purpose of enforcement of the Fundamental Rights 'to any person, authority or Government' within the territorial jurisdiction of the High Court has been ensured by inserting cl. (2A) in Art. 32.¹¹

No subordinate Court in Jammu & Kashmir can be given the power to issue the writs.

Jurisdiction of the Supreme Court.—Besides the power to issue the writs which has been already noted, the Original and Appellate jurisdiction of the Supreme Court will extend to Jammu & Kashmir with the following important difference—

The Supreme Court shall have no power to grant special leave for appeal (Art. 136) from any court or tribunal in Jammu & Kashmir.¹²

The judicial authority of the Advisory Board constituted by the Jammu & Kashmir Constitution Act, 1996 shall cease and all appeals and proceedings pending before such Board at the commencement of this Order will be transferred to the Supreme Court.¹³ The Supreme Court has already had a sitting at Srinagar to dispose of the appeals and proceedings transferred to it from the Board of Judicial Advisers.

Directive Principles of State Policy do not apply.—Part IV of the Constitution relating to the Directive Principles of State Policy does not extend to Jammu & Kashmir.

The Union.—The provisions of Part V of the Constitution will extend to Jammu & Kashmir, with the following modifications :—

- (i) Parliament shall have no power [under the Proviso to Art. 73 (1)] to extend the executive power of the Union to the State of Jammu & Kashmir, with respect of the matters included in the Concurrent List.
- (ii) The representatives of the State of Jammu & Kashmir in the House of the People shall be appointed by the President on the recommendation of the Legislature of that State, instead of being directly elected by the people of the State.¹⁴
- (iii) The Comptroller & Auditor-General of India shall have no function in relation to the accounts of the State of Jammu & Kashmir.¹⁵

¹¹ See Cl. 2 (h) of the Order.

¹² Cl. 2 (5) (e) of the Order.

¹³ Cl. 2 (16) (c), *ibid.*

¹⁴ Cl. 2 (5)(c) of the Order.

¹⁵ Cl. 2 (5) (f)-(g) of the Order.

Relation between the Union and the State.—The provisions of Part XI of the Constitution will apply, with the following modifications :—

- (i) There shall be no *Concurrent List* in relation to Jammu & Kashmir, and the legislative powers of Parliament over that State shall be confined to the matters enumerated in the Union List. But the jurisdiction of Parliament will comprise all the matters enumerated in the Union List subject to certain modifications.¹⁶
- (ii) Any law of the State which is repugnant to a law of Parliament, whether passed before or after the State law, shall, to the extent of such repugnancy, be void.¹⁷ Of course, there being no concurrent sphere, there will arise no question of repugnancy relating to any subject which is enumerated in the Concurrent List of the Constitution of India.
- (iii) The *residuary power* of legislation shall belong not to Parliament but to the State Legislature which shall have power with respect to any matter which is not enumerated in the Union List.¹⁸
- (iv) Parliament shall have no power to legislate with respect to the State subjects of Jammu & Kashmir in the national interest, in the manner provided in Art. 249.¹⁹
- (v) But during a Proclamation of Emergency under Art. 352, the legislative power of Parliament in relation to Jammu & Kashmir will extend to any matter, as in the case of other States in India,²⁰ and laws of the State which are inconsistent with any such law made by Parliament shall, to the extent of such repugnancy, be inoperative.²¹
- (vi) Parliament's plenary powers regarding treaties and international agreements under Art. 253 will be subject to this restriction that no decision affecting the disposition of the State of Jammu & Kashmir shall be made by the Government of India without the consent of the Government of that State.²²
- (vii) Art. 255 shall not apply in relation to Jammu & Kashmir with the result that those provisions of the Constitution which require previous recommendation or sanction of the President shall be regarded as mandatory, and that absence of such recommendation or sanction will invalidate the law which is made without it.²³

¹⁶ Cl. 2 (6) (a) of the Order (subject to the modifications indicated under the heading 'Union List', *post*).

¹⁷ Cl. 2 (6) (f) of the Order.

¹⁸ Cl. 2 (6) (b) of the Order.

¹⁹ Cl. 2 (6) (c) of the Order.

²⁰ Cl. 2 (6) (d) of the Order.

²¹ Cl. 2 (6) (g) of the Order.

²² Cl. 2 (6) (e) of the Order.

(viii) Apart from the obligations already provided by Arts. 256 and 257, the State of Jammu & Kashmir shall have the following further obligations in relation to the Union :

(a) Its executive power shall be so exercised as to *facilitate discharge* by the Union of its duties and responsibilities under the Constitution.²³ (This implies something positive, viz. active co-operation with the Government of India).

(b) If so required by the Union, the State shall acquire or requisition property within the State on behalf of and at the expense of the Union.²³ In other words, the State of Jammu & Kashmir shall not only have the power but also the duty to acquire or requisition property for Union purposes (which is not possible in the case of other States by reason of Entry 33 of List I and 36 of List II).

(c) The State of Jammu & Kashmir shall have the obligation to transfer any property belonging to the State itself to the Union, if required by the latter, on terms as may be agreed upon, or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India.²⁴

(d) Art. 261 relating to 'full faith and credit' will apply to Jammu & Kashmir but it is the State Legislature instead of Parliament which shall have the power to lay down the manner in which and the conditions under which the acts, records and proceedings of the Union or of any other State shall be proved in Jammu & Kashmir and the effect thereof.

(e) Arts. 262-3 will apply *in toto*.

Financial arrangements between the Union and the State.

(A) The following provisions shall not apply—

(a) The provisions relating to the Consolidated Fund (Art. 266) or Contingency Fund (Art. 267 (2)) of a State and custody thereof (Art. 283 (2)), public account of the State (Art. 284) shall not apply to Jammu & Kashmir.

(b) The provision in Art. 273 relating to grant in lieu of export duty on jute and jute products shall not apply.

(c) Arts. 290-1 shall not apply. The reason is that there was no agreement with the Ruler of Jammu & Kashmir relating to Privy Purse, as with the Rulers of other Indian States which acceded to India.

(d) Art. 282 does not apply so that the Union and the State Legislatures shall not be competent to make grants for purposes of each other.

(B) The following provisions will apply—

(a) The general provisions in Art. 265 (which means that taxes shall not be imposed without legislative authority).

(b) Collection and appropriation of stamp duty by the State [Art. 268 (1) (b)].

²³ Cl. 2 (6) (h) of the Order.

²⁴ Cl.2(6) (h) of the Order.

(c) Collection by the Union of the taxes mentioned in Art. 269 (succession duty and estate duty in respect of non-agricultural land, terminal taxes on goods or passengers carried by railway, sea or air, taxes on railway fares and freights, taxes other than stamp duties on transactions in stock-exchanges and futures markets) and assignment thereof to the States.

(d) Collection by the Union of non-agricultural income-tax and distribution thereof (Art. 270).

(e) Arts. 271-2 shall apply.

(f) Art. 274 (prior recommendation of President required for Bills affecting taxation in which States are interested) shall apply.

(g) Art. 275 providing for general grants from the Union to the State shall apply.

(h) The Legislature of Jammu & Kashmir shall have the power to levy taxes on professions, trades, callings and employments, like other States, in conformity with the provisions of Art. 276.

(i) The saving clause in Art. 277 relating to existing State taxes relating to matters enumerated in the Union List shall apply.

(ii) Art. 278 relating to financial agreements and Art. 279, Arts. 280-1 relating to Finance Commission shall apply.

(iii) Arts. 285 and 289 relating to mutual immunity from taxation shall apply.

(iv) Art. 286 relating to sales tax, Arts. 287-8 providing for exemption of the Union from State taxes on electricity or water, Arts. 292-3 relating to borrowing and Arts. 294-7 relating to division of property and assets shall apply.

(v) Arts. 298-9 shall not apply as regards acquisition or disposition of property or the making of contracts by the State of Jammu & Kashmir.²⁵

(vi) Art. 300 shall not apply to suits by or against the State of Jammu & Kashmir. This means that the pre-existing law relating to this matter will continue.²⁶

Freedom of trade and commerce.

The provisions in Arts. 301-7 will apply, with this difference that the prohibition in cl.(1) of Art. 303 (as regards discrimination relating to trade and commerce) will extend to laws made under any power belonging to the Legislatures of the Union or the State of Jammu & Kashmir.²⁶ As a result of the extension of the provisions in these Articles, there would be

²⁵ Cl.2(7) (b) of the Order.

²⁶ Cl.2(8), *ibid*.

no trade barriers between India and the State. The *internal* customs duty imposed by the State has already been abolished under an agreement with India, according to which the State has been given a subsidy in lieu of the customs duty.

Services.

The provisions in Part XIV (Arts. 308-323) shall not apply to services under the State of Jammu & Kashmir.²⁷

Elections.

Arts. 325-9 of the Constitution shall not apply, because, as has been already pointed out, the representatives of the State to the House of the People shall be appointed by the President on the recommendation of the State Legislature, instead of being chosen by direct election.²⁸

Election to the State Legislature will be governed by the State Constitution which will be framed by the Constituent Assembly of the State

Special provisions for Scheduled Castes.

The only provision of Part XVI of the Constitution which will apply is Art. 330, with this difference that there being no Scheduled Tribe in the State, there will be reservation of seats in the House of the people only for the Scheduled Castes in the State.

No other provision of Part XVI will apply. Hence, there is no provision, with respect to Jammu & Kashmir for reservation of seats or appointments for Anglo-Indians and the provisions for appointment of a Commission to investigate the conditions of backward classes or of a Special Officer for Scheduled Castes will not extend to Jammu & Kashmir.

Official Language.

The provisions of Part XVII shall apply only so far as they relate to—

- (a) the official language of the Union (Arts. 343-4);
- (b) the official language for communication between Jammu & Kashmir on the one hand and the Union or another State, on the other (Art. 346);
- (c) the language of the proceedings in the Supreme Court (Art. 348 (1) (a)).

Hence, the State language of Kashmir and the language for proceedings in the High Court of the State shall be as determined by the Constituent Assembly of that State, and the directive for development of the Hindi language provided in Art. 351 shall not apply to that State.

²⁷ Cl.2(9), *ibid*.

²⁸ Cl.2(5) (c), *ibid*.

Emergency Provisions.

Arts. 352-3, relating to Proclamation of Emergency shall apply, with this difference that no Proclamation of Emergency on the ground only of 'internal disturbance' shall have effect in relation to Jammu & Kashmir unless it is made at the request or with the concurrence of the Government of that State.²⁹

Art. 355 laying down the duty of the Union to protect the State from external or internal aggression shall apply.

But though it shall be the duty of the Union to ensure that the Government of the State is carried on in accordance with the provisions of the Constitution of India shall apply (Art. 355), the Union shall have no power to suspend the Constitution by issuing a Proclamation on the ground of failure of constitutional machinery in the State (Arts. 356-7). The result seems to be that the Union shall have the duty and power to ensure that the relation between the Union and the State as outlined by this Order remains in tact; but shall have no responsibility to ensure that the government is carried on in accordance with the constitution as framed by the state Constituent Assembly.³⁰ Nor shall the Union have the power to suspend the State Constitution on the ground of failure to comply with a direction given by the Union.³¹ The result is that though the Union shall have the power to give direction to the State Govt. under Arts. 256-7, no constitutional sanction is provided for the enforcement of such directions. The matter is left to the good relations between the Union and the State Governments.

There is no provision for issuing a Proclamation of 'Financial Emergency' under Art. 360.

The provisions for suspension of fundamental rights and the judicial remedies for their enforcement during the operation of a Proclamation of Emergency (Arts. 358-9) shall apply.

Miscellaneous.

- (i) *Protection of the Sadar-i-Riyasat from legal proceedings.*—The provisions of Art. 361 as regards immunity of the President and the head of the State from legal proceedings shall apply with this difference that the immunity of the *Sadar-i-Riyasat* under the Article shall be 'subject to the Constitution of that State'. In other words, if the Constituent Assembly of the State provides otherwise, that provision shall prevail.

- (ii) Since Art. 291 does not apply, there is no need for applying Art. 362 as well.

²⁹ Cl. 2 (13) (A) of the Order.

³⁰ Cl. 2 (13) (B) of the Order.

³¹ Cl. 2 (14) (B), *ibid*.

- (iii) It has already been pointed out (p. 8, ante) that Art. 365 shall not apply.
- (iv) The definitions in Art. 366 will apply, excepting the definition of 'Rajpramukh.' Instead, it is provided that references to the 'Rajpramukh' in the Constitution of India as applied to Jammu & Kashmir shall be construed as references to—

The person for the time being recognised by the President as the *Sadar-i-Riyasat* of Jammu and Kashmir and shall also include any person for the time being recognised by the President as being 'competent to exercise the powers of the *Sadar-i-Riyasat*'.

- (v) The provisions as to interpretation in Art. 367 will apply and there will be the following additional interpretation clauses—

(a) 'Government of the State of Jammu & Kashmir' shall be construed as referring to the *Sadar-i-Riyasat* acting on the advice of his Council of Ministers (so as to include the Government as at present constituted within that expression).

(b) Similarly, references to the 'legislative assembly' of the State shall include references to the Constituent Assembly of the State. In other words, till the Constitution of the State is framed and the new Legislature constituted, the Constituent Assembly will be regarded as the Legislature of the State, for the purposes of applying the Constitution of India.

Amendment of the Constitution.

No amendment of the Constitution of India shall apply to Jammu & Kashmir unless it is applied to that State by an order of the President under cl.(1) of Art. 370. This means that apart from the procedure for amendment laid down in Art. 368, there is another formality to be gone through in order to make an amendment of the Constitution in relation to Jammu & Kashmir, viz., an order under Art. 370 (1).

Union List.

It has already been pointed out that the jurisdiction of Parliament over Jammu & Kashmir will extend over all the subjects enumerated in the Union List. But, in its application to the State of Jammu & Kashmir, the List will be subject to the following modifications :

- (a) Entry 3 is simplified, to read—"administration of cantonments."
- (b) Entries 8, 9, 33, 34, 44, 50, 52, 54, 55, 60, 67, 69, 78, 79, 97 shall be omitted and Entries 43, 53, 72, 76 and 81 shall be modified. The result of such omission will be—
 - (i) The Central Bureau of Intelligence and Investigation, established by Parliament, if any, shall have no jurisdiction in the State.
 - (ii) Parliament shall have no power to legislate regarding preventive detention in Jammu & Kashmir; or, in other words, no law of preventive detention made by Parliament will extend to that State,

- (iii) No law of acquisition or requisitioning made by Parliament will extend to that State. We have already noticed how the Union shall be able to acquire or requisition property in that State for purposes of the Union, through the agency of the State Government.³²
- (iv) Parliament shall have no power to legislate with respect to Court of wards for the estates of Rulers of Indian States.
- (v) Parliament shall have the power to legislate with respect to incorporation, regulation and winding up of banking, insurance and financial corporations (excluding co-operative societies), but no power with respect to trading corporations or corporations having inter-State objects.
- (vi) Parliament shall have no power with respect to establishment of standards of weight and measure.
- (vii) Parliament shall have no power to declare that the control by the Union of any industries or the regulation of mines or mineral development in Jammu & Kashmir is expedient in the public interest. Parliament shall have the power to legislate with respect to petroleum and petroleum products and other liquids and substances declared by Parliament to be dangerously inflammable, but no power with respect to regulation and development of oilfields and mineral oil resources.
- (viii) Laws made by Parliament for the sanctioning of cinematograph films will not extend to Jammu & Kashmir.
- (ix) Parliament shall have no power to legislate with respect to ancient and historical monuments, archaeological sites etc. in that State.
- (x) The power of Parliament with respect to census will not extend to that State.
- (xi) Parliament shall have no jurisdiction as regards the constitution, organisation and jurisdiction of the High Court of the State.
- (xii) Parliament shall have no power with respect to inter-State migration in relation to Jammu & Kashmir.
- (xiii) Residuary powers of legislation will not belong to Parliament, as has been already stated.
- (xiv) Parliament shall have no power with respect to election to the Legislature of the State or the audit of the accounts of the State of Jammu & Kashmir.

³² Cl. 2 (6) (h) of the Order,

Ninth Schedule.

The laws of Jammu & Kashmir which have been recently enacted in order to introduce reforms in the land system in the State have been sought to be saved from the operation of Cl. (2) of Art. 31, by including them in the Ninth Schedule.

Legislation by Parliament.—I consider it necessary to mention that while these pages are being printed, the effects of the extension of the jurisdiction of the Union over Jammu & Kashmir by the Order of 1954 have already been reflected in legislation by Parliament. Since the legislative power of Parliament is no longer confined to the three subjects of Defence, External Affairs and Communication, it is but proper that the laws of India relating to the subjects included in Lists I and III of the 7th Schedule of our Constitution should be extended to Jammu & Kashmir. Hitherto, the extent clause of many of the Central laws has provided like this: "It extends to the whole of India, except the State of Jammu & Kashmir". There is no justification for this exception since the promulgation of the Constitution (Application to Jammu & Kashmir) Order, 1954.

The first attempt towards the extension of Indian laws to the State of Jammu & Kashmir has been with respect to the taxation of laws, including laws relating to income-tax, customs, excise and estate duty. Thus, Parliament has passed the Taxation Laws (Extension to Jammu & Kashmir) Act, 1954, which has extended the following Indian Acts to the State of Jammu & Kashmir:—

- (a) The Sea Customs Act, 1878. (b) The Indian Income-tax Act, 1922. (c) The Land Customs Act, 1924. (d) The Government Trading Taxation Act, 1926. (e) The Indian Tariff Act, 1934. (f) The Central Excises and Salt Act, 1944. (g) The Payment of Taxes (Transfer of Property) Act, 1949. (h) The Estate Duty Act, 1953.

The corresponding laws of Jammu & Kashmir have been repealed, but the power of the State Government to levy the existing State excise duty on motor spirit has been maintained for a period of ten years, in pursuance of an agreement between the Union and the State Governments.

The first step towards one law for the State of Jammu & Kashmir and the rest of the territory of India has thus been taken.

**MAIN DIFFERENCES BETWEEN THE STATUS OF
JAMMU & KASHMIR AND THAT OF OTHER
PART B STATES UNDER THE
CONSTITUTION OF INDIA**

1. Absence of judicial review of restrictions imposed upon the fundamental rights of speech and expression, assembly, association, movement, residence and property, for the next five years.¹

¹ Cl. 2 (4) (D) of the Order.

2. Special treatment of the 'permanent residents' of the State in the matter of employment, residence, acquisition of immovable property in the State and of the right to State aid.²

3. Appointment by the President of the representatives of the State to the House of the People (on the recommendation of the Legislature of that State), instead of election by direct vote of the People.³

4. Constitution of the State Government is left to be framed by the Constituent Assembly of the State.⁴

5. Residuary powers of legislation shall belong to the State instead of to the Union and Parliament shall have power to legislate as regards matters enumerated in List I only, subject to modification of several entries.⁵

6. The Election Commission⁶ or the Comptroller & Auditor-General of India⁷ shall have no jurisdiction or function in relation to elections in or the accounts of, the State.

7. No action can be taken by the Union without consent of the State, in the following matters:—

- (i) Alteration of the name or boundaries of the State.⁸
- (ii) International agreement affecting the disposition of the State.⁹
- (iii) Proclamation of Emergency on the ground of international disturbance.¹⁰

8. The Union shall have no power to suspend the Constitution of the State either on the ground of failure of the constitutional machinery¹¹ or on the ground of failure to comply with the directions given by the Union.¹²

9. The legislative power of Parliament with respect to preventive detention will not extend to the State (p. 20, ante).

10. The High Court of the State shall have no power to issue writs for any purposes other than the enforcement of Fundamental Rights (p. 19, ante), and the power of the Supreme Court to grant special leave to appeal under Art. 136 shall not extend to the State (p. 19, ante).

² Cl. 2 (4) (J), *ibid.*
³ Cl. 2 (5) (c), *ibid.*
⁴ Cl. 2 (14) (A), *ibid.*
⁵ Cl. 2 (6), *ibid.*
⁶ Cl. 2 (5) (c), *ibid.*
⁷ Cl. 2 (5) (f)-(g), *ibid.*
⁸ Cl. 2 (2) of the Order.
⁹ Cl. 2 (6) (e), *ibid.*
¹⁰ Cl. 2 (13) (A), *ibid.*
¹¹ Cl. 2 (13) (B), *ibid.*
¹² Cl. 2 (14) (B), *ibid.*

INTEGRATIONIST MOVEMENT IN JAMMU REGION

As already pointed out that the struggle for freedom and democratisation of the State administration in Jammu & Kashmir, which went back to the years of thirty's, had its origin in the widespread discontentment among the Muslim masses who then comprised 78% of the population of the State and 89% of the population in Kashmir valley. The Muslims had very inadequate representation in the State services as well as in the economic and industrial life of the State. The bulk of the Muslim population were tillers, labourers and were the target of the exploitation. Agrarian discontentment and paucity of employment opportunity was the motivating force for the Muslim masses to agitate against the Dogra regime¹. The struggle for freedom in Kashmir entered its crucial state when the famous "Quit Kashmir Movement" i.e. the transfer of powers to the people, was launched by the All Jammu and Kashmir National Conference in 1946. The State bureaucracy was then bewildered at this new slogan and full of vengeance decided to crush the movement. In spite of the reign of terror, arrest, prosecutions and deaths, the movement was of a great success.

The popular sentiments in Jammu region believing the Hindu Maharaja as a symbol of security against the majority population of Kashmir region, however, sided with the Maharaja in his attempt to retain more and more power in pre-independence days. It then seemed to Dogra Nationalists that prospect of Democracy in the State would be nothing more than being exposed to the whims of paramount majority of the State and its leaderships².

However, just after the partition of British India, most of the princes of Indian States, acting in accordance with the provisions of the Cabinet Mission Plan³ as well as keeping in view the considerations of geographical

contiguity of their respective States, exercised their choice and acceded either of two, the then newly created dominions-India and Pakistan⁴. Some of these State which thought of going against their geographical positions, economic needs and historical and cultural affiliations were soon compelled by their people to make the correct choice⁵.

When the Maharaja of Jammu and Kashmir who could not make decision about the accession because of demographic and geographical considerations and entered stand still Agreement with Pakistan, did not bow before the Pak pressure to accede to it, a massive attack in the form of Tribal invasion on Jammu & Kashmir State was launched by the Pakistan forces on October 25, 1947 to force it outright annexation. On October 15, 1947, thousand of armed Pakistanis comprising frontier tribesmen and aided by Pakistan army regulars in civilian clothes invaded Jammu and Kashmir and committed atrocities on the people. Pakistan organised a combined force consisting Tribals as well as personnel from its own army under the code name of 'Operation Gulmarg', devised, planned and led by Major General Akbar Khan (who had assumed the name of General Tariq) assisted by Brigadier Sher Khan⁶. The situation in Kashmir deteriorated further. The Maharajas role aim was to save his State at any cost. The Maharajas role aim was to save his State at any cost. The Maharaja was, therefore, forced to offer the State accession to Indian dominion which, along with Pakistan, became independent, self-governing dominion within the Commonwealth of Nations, on August 15, 1947.

After the Instrument of Accession was accepted by the Government of India and the State had acceded in Defence, Foreign Affairs and Communications, the Prime Minister of India greed with the then prime Minister of Kashmir-Mr. Mehar Chand Mahajan-that the military assistance would be extended to the Maharaja on the conditions that the internal

administration of the State was democratised, that Sheikh Mohammad Abdullah was given the charge of State's administration and was made to shoulder responsibility along with the State's Prime Minister for the conduct of governmental affairs. Sheikh Abdullah was, however, not entrusted with the actual power until Indian forces had occupied the State territory beyond Uri and the Tribals had retreated⁷.

He also made it clear to Government of India that since Maharaja and his Prime Minister were responsible for the massacre of Jammu Muslims, both of them should quit the office of the Administration was to go on smoothly⁸. By March, 1948, Mr. Mehar Chand Mahajan-the then Prime Minister of the State- was removed and Sheikh Abdullah took over as Prime Minister of the State in April, 1948⁹.

However, Shri Mithir Lal Chatterpathya-a member of Constituent Assembly of India, visited the Jammu & Kashmir in 1949. On the completion of his tour of the State submitted the following confidential report to the congress party in the constituent assembly, which was latter published by the 'Nation' of Calcutta¹⁰:

57 Shri Mithir Lal Chatterpathya-a member of Constituent Assembly of India, visited the Jammu & Kashmir in 1949. On the completion of his tour of the State submitted the following confidential report to the congress party in the constituent Assembly. It was later published by 'Nation' of Calcutta.

"Along with Dr. Raghuwira, M.C.A.I reached Jammu before the 12th of February. We stayed at the Cospolitin Hotel there, Traders, students, congressmen, members of the National Conference, Lawyers, Harijans, refugees from Mirpur and Poonch areas, women's branch of National Conference and people representing various interests came to meet us at the hotel. We visited the office of the

National Conference and also took the opportunity to meet Sheikh Sahib at his residence. The people with whom we came in contact were all Hindus. We had neither opportunity nor time to meet the Muslims.

We found that Sheikh Sahib was highly respected by the Hindus, but they have numerous grievances against the administration. They are conscious that the present government should be strengthened by them in order to win the plebiscite. But surprisingly enough, we found that the Hindus without any exception spoke with disappointment about the prospect of winning the same. They were outspoken in their confirmed opinion that whatever Sheikh Abdulla might say, not many Muslims would vote in favour of India. This is their strong conviction acquired from their daily direct contact with the Hindu of the locality. They said that between Sheikh Abdulla and Maharaja, the people were overwhelmingly in favour of the former. But if it were a choice between India and Pakistan, not even ten per cent of Muslims would for India. This exertion by some responsible people, has really surprised us and we are hastening these lines to inform our Govt. about it.

The people of Jammu are very eager that there should be a separate plebiscite for the Province minus the Area now held by the Azad Kahmir Govt. Their opinion is that if separate voting is not arranged province of Jammu will be lost to India. They are hopeless about Kashmir but keen about Jammu getting joined to Indian Union.

People complained to us about open propaganda of Sheikh Sahib and his party for deposing the Maharaja. They are greatly disturbed about it and their fear as if the Maharaja is made to abdicate and the State also goes over to Pakistan, on account of the Plebiscite, the Hindus will have to migrate to India and the History of West Punjab

will be repeated both as regards massacre and displacement of population. The demand of Sheikh Sahib to depose the Maharaja has made the Hindus panicky to the extent of what we have seen in the case of citizens of non regulated areas during the British Administration. The Hindus, for whatever reason it might be, considered that their future is blasted, in plain that the administration is autocrat, public opinion is smothered and there is no State at present. Their complaint is that too much eagerness to appease Sheikh Sahib order to win the plebiscite through the strength of his personality has not been balanced by any enquiry as to how the minorities feel about the administration. They urged that important people from India should come and see their lot and acquire direct knowledge about their future Plebiscite without depending exclusively upon what the Govt. of Kashmir report about the matter.

In our talk with Sheikh Sahib, we found him over zealous about the abdication of the Maharaja. He holds him responsible for the massacre of Muslims in the State. He demands an enquiry and, if need be, a trial. He spoke in clear terms that if the Maharaja was not deposed, he could not with any certainty, sufficiently inspire the Muslims to vote for India and make sure of the victory. We were told by the people that open propaganda was being carried on by Sheikh Sahib and the National Conference to depose the Maharaja. We were further told that at mohalla meeting of the National Conference in Jammu City the resolution for the abdication was defeated by 18 votes to 3.

We need not say anything about the corruption in the administration as reported to us. But we felt outside people had not so far come much in contact with Hindu masses there. To get a correct idea as to how they feel some responsible people should go there and independently meet the people and form their opinion both about the

administration, future Plebiscite.

They gave us some names, who in cooperation with the raiders and Pakistan army, were responsible for the massacre of innumerable Hindus, but they have been placed in responsible positions in the very same area, as the result of which refugees are reluctant to go back to their old places.

The people of Mirpur say that a very big number of their women were being held in the area now administered by the Azad Kashmir Govt. If provided military escorts, they are too eager to go and search them out.

It was a general complaint that the Govt. was partial towards the Kashmir Province as compared to Jammu. In Kashmir the supply of commodities is much better and the prices thereof are much cheaper though Kashmir is further off from India where from the supply goes.

They have begged of us that one or two important legislators and congress Leaders from India should visit Jammu and acquire direct knowledge of the place so that there may be no occasion to lament later on if even Jammu is lost to India in the Plebiscite.

In conclusion, I would like to mention that Kaviraj Vaishno Gupta, a refugee from Jammu living in Delhi, accompanied us after getting necessary permit. It is through his efforts and some others also that we could come in contact with large number of people representing various interest. The police at Jammu endorsed our permits on our return journey but this was not endorsed at that time on pretext of local enquiry. On reaching Delhi on the night of 13th Feb, I received a telegram informing that he has been arrested.

P.S. I am further informed that three M.L.A.'s one vice President, President of Jammu Municipality and a B.A., B.T. teacher have afterward been arrested".

The Maharaja of Kashmir who was persuaded by Sardar

Patel and Gopala Swami Ayyanger-the then Home Minister and Minister of States of India respectively to abdicate in favour of his son in May, 1949, left the State for health reasons after entrusting to Yuvraj Karan Singh all power and functions in regard to State by appointing him a Regent¹¹. After Maharaja Hari Singh's exist, Sheikh Abdullah and his National Conference became unquestioned political power in the State.

Soon after assuming powers, the National Conference leadership started accusing the Dogras of Jammu for massacring their Muslims brotherans in Kathua, Udhampur, Riasi and Jammu in 1947 without expressing even a word in the sympathy of Hindus massacred in Mirpur, Bhimber, Rajouri, Kotli and other places during that period.

In October, 1948, Pt. Nehru in public speech at Lal Chowk, Srinagar, reaffirmed "that the only purpose for which the India army had entered the State was to clear it of the raiders and that it was India's cardinal policy that the people of State should decide through an impartial plebiscite whether they wanted to acceded to India or Pakistan"¹².

After getting power, the National Conference Government led by Sheikh Abdullah, however, started the process of fulfilling its politico-socio-economic commitments made to the people of the State during its freedom struggle as well as incorporated in the Naya Kashmir programme of the party also. As a result the popular Government enacted the most desirable and progressive politico-socio-economic reforms viz. Grant of Fixity of Tenure to the Tenants in respect of Tenancy Holdings; Fixation of the Maximum Rent payable by the Tenants to their Landlords; providing for Summary Reinstatement of the Tenants, who had been wrongly rejected, Restitution of Mortgaged properties; Relief to Distrust Debtors. Abolition of Jagirs, Muaffies and

Mukararies, the Big Landed Estates Abolition Act, 1950 etc. etc. All these measures had hit hard the economic interests of the Hindus of Jammu and adversely affected the economy of Jammu region, which further aggravated the hatred between Dogras of Jammu and Kashmir Nationalists of the valley.

Moreover, the open and repeated condemnation of the Dogra Hindu rule and its rulers in the State, with whom the Dogras of Jammu had sentimental attachments, even after the establishment of popular Government by the National conference leadership, not only hardened distrust of Jammu masses against them but also caused growing resentment in Jammu. In addition, the masses of Jammu complained the step-motherly treatment to their region in matter of economic development and deliberate denial of sharing of political powers¹³. The politics of the State then began to experience a new dimension- the politics of autonomy versus complete integration. The desire of the people of the J&K for an autonomous State had digured in Kashmir politics long before the State acceded to India in 1947. That was why the Maharaja of Kashmir said to have surrendered only Defence, Foreign Affairs and Communications to the Government of India and in rest of the sphered he chose to be free and independent. This kind of accession is called 'limited accession' and it was endorsed by its people through their recognised leaders. The Muslims who could oppose it had been led to believe that there was a bright, glorious, prosperous, promising and safe future for them in going with India¹⁴.

However, the land lords of Jammu region had submitted the following representation to the Hon'ble Prime Minister of J&K Govt. Jammu in April 1950 but with any results¹⁵:

The Hon'ble Prime Minister,
Jammu and Kashmir Government, Jammu

Sir,

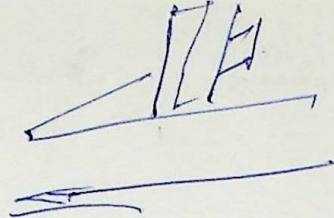
"we the undersigned beg to state that from a perusal of a statement published in the issue of the Indian News Chronicle dated the 20th March 1950 we have come to know that the Jammu and Kashmir Government is going to become the proprietor of the land and also that land will be acquired without paying any compensation and also that no holder will possess land more than an economic holding prescribed for the purpose and that any land found in excess will be taken by the Government and distributed to tillers.

In this connection we beg to submit that residential plots purchased in the areas known as Rajbagh, Burzala Bhagat, Batwara, Seeopura, Boulevard Road, Nishat Road, Nagin Bagh, Nasim Bagh, Pahalagam, Gulmarg, Baramulla, Rehari Jammu and Nawabad Jammu are very costly plots in as much as they have been purchased at prices ranging from Rs. 500/- per kanal to Rs. 400/- per kanal. In this way people have spent several lacs of rupees on the purchase of these plots and some have even incurred very heavy amount of debt in purchasing these plots. These residential plots, due to adverse political situation of the country and also due to acute dearness of building material and the great financial stringency which the country is facing at present, have not been inhabited and the plots are lying vacant and are being tilled temporarily by tenants. If these plots are treated as an agricultural land and are acquired by the Government without paying any cost etc. it will mean a terrible loss to the proprietors and in some cases it will result in a complete ruin of those people who have made huge investment thereby raising heavy amount of debt. All the above noted areas fall within the proposed Municipal limits of Srinagar and Jammu. It is therefore requested that the residential plots which lie in the

above mentioned localities may kindly be exempted from the operation of this law and people may on the other hand be encouraged in building houses thereon by adequately laying out the area which would result in a decent and healthy extension of Srinagar and Jammu cities. Such a step would remove the congestion of the city and also solve the house problems which is worrying a great deal in these days due to the movement of refugee from one place to another.

The Government of India have definitely laid down in the Indian Constitution that no property will henceforth be acquired without paying proper compensation. Government of India are accordingly paying compensation in all the Provinces where the new Zamindari Bill has been introduced. People have spent crores of rupees on the purchase of agricultural land in the State and some have even spent their whole life earning in his connection. To deprive them from this well earned property without paying any compensation would simply bring ruin and disaster to the people who have invested money in land. If people are granted compensation they will be able to utilize money in some other manner and to take up some other pursuits. It is therefore, requested that the Government should take up the question of the grant of suitable compensation because otherwise it will be clearly high handedness on the part of Government which cannot be expected from any civilised Government.

It is also submitted that the economic holding of 12 acres and 8 acres fixed for lands in Jammu province and Kashmir province respectively is a very small one and no zamindar who mainly depends on his agricultural produce can meet his domestic expenses as regards feeding, education, marriage etc. The return of Jammu land is very poor and it has been experienced that people cannot even meet their domestic expenses out of 50 acres and 100



acres. Thus if the landlords are restricted and not allowed to utilize their total land they and their kith and kin will have to simply starve and beg from door to door. The Government instead of raising the standard of living of people will on the other hand lower the standard and finish it completely. It is therefore, requested that in order to avoid such a bad situation the area of economic holding may kindly be fixed with due regard to the necessity of family members which one has to feed. The necessity of future generation may also be kept in view. It is worth consideration how will the sons be able to meet their requirement after the death of their father who possess 12 acres of land and when every one of them has got sufficient family to feed. The answer is self evident.

Again if the Government wants to take the whole land it should also meet the liabilities of the people and also make suitable arrangements for meeting all necessary expenses of the family. It is therefore, requested that Kashmir Government should take action in this respect similar to Government of India.

Lastly the request is briefly summarised as under:

1. That the residential plots purchased by people at considerable cost may be exempted from the operation of this law.
2. That the area of economic holding may be raised so as to meet the full requirement of the family.
3. That the Government should give suitable compensation so that the people may be able to get some amount of their investment to do some other work and earn their livelihood in that manner.

We cannot help without remarking that the introduction of land reforms in the state at the present moment when the people are working in uncertain conditions and are very much handicapped in many respects is quite inopportune.

At present there is much economic depression and it has become impossible to live even. Foremost attention of the government should be for the restoration of peaceful conditions in the State and not for creating more disorder friction and lawlessness. All that has been stated is a plain fact and can be verified by facts and figures".

Jammu the April, 1950

Yours faithfully,

sd/ Landlords.

On April 14, 1949, Sheikh Mohammad Abdullah was, however, reported to have given an interview to Michael Davidson and Ward Prince opting for an independent Kashmir as the best solution of the Kashmir problem. He demanded an immediate withdrawal of the officers who had so informed the Central government. Pt. Nehru then deputed Mr. B.M. Malik-Asstt. Director of Indian Intelligence for an enquiry while rejecting the views of those who charged Sheikh Abdullah of having supported the accession to India due to the pressure brought upon him by tribal attack and not by his sincerity, Mr. Mullik reported to Pt. Nehru that "the accession to India was not a fortuitous decision brought about by the fear caused by the unprovoked invasion of the territory by Pakistan raiders, but was based on ideological grounds; and so when India was partitioned and Kashmir had to choose between India and Pakistan, Sheikh Abdullah would have chosen India, while insisting on a special Status for the valley¹⁶.

Sheikh Abdullah, in order to remove the fear of life, honour, property and the sense of insecurity about the future of Muslims of the State and to ensure future security and protection to his co-religionists, publically voiced for limited accession of State to India. The National Conference leadership was of the view that "The freedom-loving people of Kashmir joined India on the conditioned that the State of Jammu and Kashmir must have a special

status and the fullest autonomy so that the Muslim majority in the State may feel assured that Hindu dominated India was not going to interfere in their internal affairs¹⁷. Even Pt. Nehru had committed to the world and to his own nation in a broadcast on November 2, 1947 that the fate of Kashmir was ultimately to be decided by the people of the State¹⁸.

The following resolution had been passed in the general session of the All J&K Praja Parishad party in a meeting held in 1950¹⁹:

RESOLUTION

"The accession of the State with the Indian Union is the recognition of the principles that Bharat including Kashmir is one country and the corollary that the whole country should have one Constitution naturally follows. There cannot be two constitutional set up in the same country and if the principle is allowed to be compromised in respect of one part of the country it will encourage the other parts to follow the track and hence the national integrity will give away to the disruptive elements to play their mischief.

The article 370 of the Indian Constitution was a temporary measure as is evident from the speech of late Gopala Swami Aynger. Argument is advanced in favour of a separate constitution of State on the plea that their will be international complication that might rise in case request for separate constitution if not acceded. To us this has little meaning specially when Union Home and Prime Ministers have time and again pronounced that there will be no Plebiscite in the State. The whole contest of the problem has changed due to the entry of Pakistan in the Bagdad Pact. Moreover, the idea of separate constitution will continue to be used by anti-national element in the State that there is still some lacuna in the accession of the State with the Indian Union. To nip this sort of

trouble Praja Parishad wants that adoption of separate constitution for the State will be inimical to larger interest of India.

Principally, historically and geographically Kashmir is a part of Bharat and hence the people living in Kashmir should also enjoy the same rights and has the same constitutional safeguards as the people living in the rest of India. To maintain the national integrity Kashmir should also have same constitutional set up as rest of country. This is the aspiration of the people living in Jammu and Kashmir State. It will restore normalcy and all uncertainty about the future of the State.

The General Session of Jammu & Kashmir Parishad views the present circumstances with great concern. The session firmly believes that the application of Indian Constitution in its entirety to the State can alone restore law and order in the State and thus created confidence among the people about their lot. The session make it clear that unless the constitution of Bharat is applied in toto to the State they would not be a party of would not suffer imposition of any step which is taken with a view to satisfy separatist and anti national tendencies".

Moreover, in order to give clean administration which enjoyed people's confidence, Sheikh Abdullah started pruning anti-national elements from the State administration. All this necessitated the changes in the State administrative set up. The transfers of officials from one place and position to the other and placing men of confidence at strategic position. All these matters were vehemently opposed by the Hindus population of Jammu²⁰. Besides, sheikh Abdullah, in a public speech on Martyrs Day in Srinagar, once again reiterated the people's right of self-determination. He added, "Kashmiris only will decide about Kashmir. Self-determination is the motto of democracy.

We regret that Kashmiri people are not given opportunity for self-determination²¹. 2)

Hence, Sheikh Abdullah's repeated accusation of Dogras of Jammu for massacring Jammu Muslims, his anti-Dogra bias; condemning Dogra ruler as alien in the Valley during freedom struggle, Quite Kashmir Movement of 1946, which Dogra of Jammu viewed as an attempt to eliminate their influence from Kashmir, his relentless advocacy for the principle of self determination for Kashmiris etc. etc. made National Conference not only a suspect in the eyes of Jammu Hindus who would have liked Jammu rule Kashmir rather than vice-versa further aggravated the hatred between Dogras of Jammu and Kashmir Nationalists of the Valley. All the anti-Jammu policies of the National Conference were vehemently criticised by the Hindus population of Jammu. In the absence of a powerful Hindu ruler and in searches of security against the majority community of the State, the people of Jammu region, decided to organise themselves to fight for their own rights and to safeguard their interest-economic and political.

In short, the strain and stresses of fast moving political events in 1947 and just after, the shift of political power from Jammu to valley, a reaction to the aggressive trends in the local nationalism in Kashmir, a protest of a region which felt politically ignored and condemned not only hardened distrust of Jammu masses against Kashmiri Nationalists and caused growing resentment in Jammu but also gave rise to a popular movement in Jammu region. Dogra nationalists of Jammu, believing their greater security to be within Indian Union, demanded full integration of Jammu and Kashmir State with India. Thus, as a result of rise of regional nationalism in Jammu, a regional and a largely Hindu dominated political party-the All Jammu and Kashmir Praja Parishad-came into being in November 1947 on R.S.S.²² base with the objective to develop political

consciousness among the people of Jammu and also to safeguard their regional interests against the onslaught of Sheikh Abdullah and chauvinistic attitude of his party²³. Professor Balraj Modhok, who was born in 1920 at Shardu in the Ladakh division of the state, taught at the Srinagar Dayanand Angle Vedic College, joined the R.S.S. as a youngman, a rallying point for R.S.S. activities during fighting between India and Pakistan in 1947, was an instrument in founding the party²⁴.

Prof Balraj Madhok, who met Shri G.S. Bajpai Secretary General External Affairs Ministry Govt. of India on 25th May, 1950, and discussed with him the Kashmir problem, wrote him the following letter on 27th May, 1950²⁵:-

From:

Bal Raj Madhok
Organising Secretary,
Jammu & Kashmir Praja Parishad
C/o Paramount Press, Dariagang, Delhi.

To:

Sh. G.S. Bajpai,
Secretary General
External Affairs Ministry,
Govt. of India, New Delhi.

Dear Sir,

"I beg to submit as 'aide-memoir' the gist of the points that I made out during my talk with you the 23.5.50 as also those which I could not touch due to shortage of time, regarding the view point of the Praja Parishad, the most representative organisation of India held Jammu province of the Jammu & Kashmir State, about the Kashmir problem.

1. The Praja Parishad would have liked the Government of India to not to risk a plebiscite in Kashmir at this or any future time. But since the government of India stands committed to it, it would be most impolitic and undemocratic

to allow the predominantly Muslims population of Kashmir to decide the future of Dogras of Jammu or Ladakhis of Ladakh with whom they have nothing in common whatsoever by holding the Plebiscite taking the whole State as a unit. The choice of the people of Jammu and Ladakh to remain a part of India is clear and unequivocal. Therefore no plebiscite is needed there. If it must be held at all it should be confined to Kashmir valley alone.

2. Praja Parishad is as much opposed to the independence of the State as to its accession to Pakistani. It is therefore, perturbed by the subtle moves of Sh. Abdullah and his communist supporters to secure independence for the entire India held part or the state. Let the government of India and Sheikh Abdullah do whatever they think proper with Kashmir valley. But nothing should be done to break the natural, historical, political, economic and cultural ties of the people of Jammu (from Pathankot to Banihal) and Ladakh with India.

3. Care should be taken to keep Bhadarwah (Hindu Majority) and Kishtwar (slight Muslim majority now due to immigration of Kashmiri Muslims), the two richest and strategically most important parts of Jammu with Jammu and Bharat. This is important because Sheikh Abdullah's Government has been trying in a very subtle way since its very inception to cut them off from the Hindu majority districts of Udhampur and thus destroy the territorial link between Jammu and Ladakh. They have been constituted by them into a new district of Doda whose Muslim population has swelled recently by Kashmiri Muslim immigrants from Kashmir valley from across the Banihal and other passes that link Jammu with Kashmir valley.

4. In deciding the future of the State of taking any other decisive step concerning it the representatives of Praja Parishad should also be consulted. The government of India, I would like to assure you, can always depend

upon Praja Parishad for anything for the good of India and the State.

I would like to post you with some more facts and therefore would request you to give sometime on some other day at your earliest convenience".

Date: the 27th May, 1950

Yours faithfully,

sd/ Balraj Madhok

26 He became its first General Secretary and Hari Wazir was its first President. Wazir was succeeded by Lala Rupchand Nanda. His successor was Pt. Prem Nath Dogra, who was born in Jammu in 1883, prematurely retired from State service, ex-member of the Praja Sabha-the first State Legislature-Sarsangh Chalak of the R.S.S. in the State from the time of its formation until it was banned in 1948²⁶ and continued to be its President until it merged with Jana Sangh.

Although the R.S. constituted the backbone of the party, yet prominent leaders representing different sections of society also formed its support base. The party also got support from the expropriated landlords, who had lost their big land estates without compensation and other communities of Jammu region who regarded the National Conference as anti-Dogra and anti-Maharaja²⁷. There were then two main sections in the party. One section serving the cause of nationalism consisted of Roop Lal Nanda, Shiv Ram, Chatru Ram Dogra, Hari Wazir, Shri Bachan Singh Panchi, Sheikh Abdul Rehman, Madan Lal, Hakikat Singh, Dhanwanter Singh etc. The other serving the cause of Hinduism were Pt. Prem Nath Dogra, Rishi Kumar Kaushal, Shri Bhagwat Swaroop. Th. Baldev Singh, Dr. O.P. Mengi, Milkhi Ram, Durga Dass Verma, Balraj Madhok, Dr. Ved Parkash Gupta, Sham Lal Sharma etc²⁸.

The party believed in the ideology of Akand Bharat and supported a strong unitary state of India. It regarded

29 that the Instrument of Accession signed by the Maharaja of Jammu and Kashmir and Governor General of India way back in October, 1947 was final, complete, legally valid and beyond question²⁹. The party, therefore, was of the view that Kashmir in its entirety belonged to India and there was no question of a plebiscite in the State and the only matter remained to be settled was the full and complete evacuation of Pakistan from the area illegally occupied by her. While seeking security in the retention of the Maharaja a constitutional head of the State, the party outrightly rejected the limited accession of the State to Indian dominion. The party then outrightly rejected the adoption of Article 370 of the Constitutional of India, which conferred a special status on the State and granted permission to the State to have its own constitution.

The following are the special provisions regarding the State of Jammu and Kashmir with its implications:-³⁰ — 3

"The State of Jammu and Kashmir acceded to India on October 26, 1947. The form of the Instrument of Accession executed by the Ruler of the State is the same as that of the Instruments executed by the Rulers of other acceding States. Legally and constitutionally therefore the position of this State is the same as that of the other acceding States. The Government of India, no doubt, stand committed to the position that the accession of this State is subject to confirmation by the people of the State. This, however, does not destruct from the legal fact of accession. The State has therefore been included in Part B States. In view of the special problem arising in respect of this State and the fact that the Government of India have assured its people that they would themselves finally determine their political future, the following special provision has been made in the Constitution:

370(1) Notwithstanding anything in this Constitution.

a) the provisions of article 238 shall not apply in

relation to the State of Jammu and Kashmir;

b) the power of Parliament to make laws for the said State shall be limited to:-

i/ those matters in the Union List and the Concurrent list which, in consultation with the government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the dominion Legislature may make laws for that State; and

ii/ such other matters in the said List as, with the concurrence of the Government of the State, the President may by order specify.

EXPLANATION: For the purposes of this article, the Govt. of the State means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the council of Ministers for the time being in office under the Maharaja's proclamation dated the fifth day of Mach, 1948:

c) The provision of article I and of this article shall apply in repletion to that State;

d) Such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify;

Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in Paragraph (i) of sub-clause (b) shall be issued except in consultation with the Govt. of the State;

Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government.

2/ If the concurrence of the Government of the State referred to in paragraph (ii) of sub-clause(b) or in the second proviso to sub-clause (d) of clause (i) be given before the Constituent Assembly for the purpose framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.

3/ Notwithstanding anything in the foregoing provisions of this article the President may, by public notification declare that this article shall cease to be operative only with such exceptions and modifications and from such date as he may specify.

Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.

The effect of this provision is that the State of Jammu and Kashmir, continues to be a part of India. It is a unit of the Indian Union and Union Parliament will have jurisdiction to make laws for this State on matters specified either in the Instrument of Accession or by later additions with the concurrence of the government of the State. An order has been issued under Article 370 specifying (1) the matters in respect of which the Parliament may make laws for the Jammu and Kashmir state and (2) the provisions, other than Article I and Article 370, which shall apply to that State (Appendix LVI). Steps will be taken for the purpose of convening a Constituent Assembly which will go into these matters in detail and when it comes to a decision on them, it will make a recommendation to the President who will either abrogate Article 370 or direct that it shall apply with such modifications and exceptions as he may specify".

The party demanded the application of the Constitution of India on the State in its entirety. It, therefore,

sponsored a campaign for abrogation of Article 370 of the Indian Constitution believing that the erosion of the Special status to the State would eventually lead to the transfer of power from Srinagar to Delhi which would reduce the former's capacity to dominate over Jammu.

The All Jammu and Kashmir Praja Parishad, thus, became not only the principal opposition party of Jammu region, the local instrument of its protest but also a party to spearhead the integrationist movement at the regional level.

Sheikh Mohammad Abdullah was totally against the full application of the Indian Constitution to Jammu and Kashmir. In order to counter the All J&K Praja Parishad he declared³¹:

"If there is no special status for Kashmir in Indian Constitution, how can we got to Muslims in Kashmir and convince them that India does not interfere in the internal affairs of Kashmir....We have acceded to India in regard to defence, foreign affairs and communications and not in respect of other subjects because we wanted some kind of autonomy for ourselves in internal matters".

When the Security General of United Nations organisation, to whom the question of Pakistan's aggression on Kashmir was referred, found itself incapable of arriving at a decision in the near future, the people of the State were left to themselves to find ways and means to put an end to the agony and uncertainty to which they were then placed. Even Sir Owen Dixon's report was against the very objective on which the people of J&K State or uncertainty, wait and see, frustration and agony and fully recognising the right of self determination of the people of the State, the General council of the All J&K National Conference issued a mandate to the Supreme National Executive of the

party on October 27, 1950 to convene the Constituent Assembly based upon adult suffrage and embracing all section of the people and all constituents of the State for the purpose of determining the future shape and affiliations of the State of J&K³². 32

The All J&K Praja Parishad and the All J&K Sahayak Sabha criticised and condemned such a move when all the political parties of the State had already given a unanimous verdict for its accession to Indian Union. They regarded it another move for an 'Independent Kashmir'³³. 33

On the other hand, in order to prove the Plebiscite in Kashmir recludent in the light of democratic set up, Govt. of India too agreed with the All J&K National Conference to convene its Constituent Assembly for framing its own Constitution which was thought to be the first important landmark towards making Jammu and Kashmir an autonomous State. It was also in consonance with the programme of Naya kashmir which the National Conference was committed to implement³⁴. 34

The Working Committee of the All J&K Praja Parishad unanimously passed a resolution on March 10, 1951 praying the Govt. of India to delete Article 370 from the Constitution of India and requested the Government of Jammu and Kashmir recommend its deletion. The Parishad leaders also demonstrated against it by organising protests, hartals and public meetings that they were not at the back of this sinister move of separation of the State from Indian Union rather they openly opposed it³⁵. 35

Meanwhile Yuvraj Karan Singh, the Regent of Jammu and Kashmir State and the son of His Highness Hari Singh-the last Dogra Maharaja-issued a proclamation for the convening of the Constituent Assembly on April 30, 1951³⁶. The All J&K Praja Parishad, which has previously criticised the convening of Constituent Assembly to draft a separate 36

Constitution for the State, at its working committee meeting on May 8, 1951 decided to contest the election and demanded representation in Delimitation Committee, which consisted of Mr. Justice M.A. Shahmiri- a judge of the J&K High court- and four other members of the rank of Dy. Commissioners from Revenue Department.

The National conference workers not only confronted the Praja Parishad workers at different places but indulged in beating of them. Shri Durga Dass Verma, the then General Secretary of the party had sent a telegram to G.M. Bakshi, the then Dy. P.M. of J&K Govt. at Srinagar on 12.6.1951 informing him an incident at Sudh Mahadev, Distt. Udhampur in which the National Conference workers gave a serious beating to the Parishad workers.

The following is a letter written by Shri Durga Dass Verma, to G.M. Bakshi on 18.6.1951³⁷:-

JAMMU & KASHMIR PRAJA PARISHAD

(Central office Jammu)

Ref No. 1491

Dated 18.6.1951

The Hon'ble Deputy Prime Minister

Jammu and Kashmir Government, Srinagar.

Dear Sir,

"This is in continuation of our telegram dated 12.6.1951, regarding serious beating of the Praja Parishad people by the National Conference workers at Sudhmahadev in District Udhampur. The moment I received the report of the said incident, I proceeded to udhampur to enquire into the matter. The detail of the case is that a public meeting to be held on 11th June, 1951 had been arranged a week before the Sudhmahadev in Chenani Illaga. Accordingly the Praja Parishad meeting commenced at the appointed time with a song. As soon as the song concluded, a batch of 50 people armed with axe and lathies was seen approaching to the meeting place raising slogans Sher-i-Kashmir

Zindabad, Motiram Bairgram Zindabad, National Conference Zindabad and Praja Parishad murdabad. On reaching the spot, they cordoned the stage, abused the workers and fell upon them with their axes and lathies. Mr, Mulkraj, Organizing Secretary, Udhampur and another worker received serious injuries.

The police authorities on spot refused to entertain their written report. Next day i.e. 12th June 1951) they were brought to Udhampur The Superintendent of Police also did not entertain the Report. The Medical Officer Udhampur was approached, but he also did not examine the wounds to issue the necessary certificate. He was again and again requested to do his duty as prescribed under rules, but he did not accede.

The Head of the District, Deputy Commissioner, Udhampur, was requested to look into the grave matter personally and take requisite steps to bring the culprits to book. He also did not take any notice. All this compelled me to bring the injured persons to Jammu for medical examination and proper treatment at 11.30 p.m. the same day. The wounds had by then remained unattended for more than 24 hours. Before removing them to Jammu, the matter was again brought to the notice of the Superintendent of Police and the Deputy Commissioner by me.

Attacks on public meetings organized by a political party by another party and raising of anti slogans inciting violence and beating of the workers mercilessly is a clear goondaism which if not nipped in time is likely to create chaos and disturb the peace of the country. I may bring it to your kind notice that this is the direct result of Mr. Moti Ram Baigra and his companions preaching violence and hatred. They exhort people to beat and stone the Praja Parishad people. As a specimen, his speech at Reasi about two months back may be referred to in which he incited the audience to blacken the faces of Praja Parishad workers,

tie them on donkeys and drive them away after they are beaten with lathies and axes.

Inspite of all the these unbearable insults, our workers have behaved like true followers of Mahatama Gandhi and preferred death to raise a finger against the hooligans. The incident referred to above is the 2nd attack of its kind in Cheneni Illaga.

The attack was well preplanned and arranged. The Police authorities instead of controlling the situation encouraged the goondas, the worst is that even the police authorities Udhampur did not entertain the first information report of the sad incident and the Medical officer also did not issue the certificate. It means that the administration is in these hooligans 'heads posing as National Conference workers and they have a free hand to do whatever they like. The honour and lives of the peace loving people are not secure. The peace of the country is at stake. Law and order is being abused. Goodaism is rampant. We hope you will kindly take personal interest in the matter".

Yours faithfully,

sd/General secretary

All Jammu and Kashmir Praja Parishad,
Jammu

No. 1492 of Jammu, the 18.6.1951

Copy submitted to the Hon'ble Prime Minister Jammu and Kashmir Govt. Srinagar, for information and favour of necessary action.

sd/Durga Dass Verma

General Secretary"

Shri Durga Dass Verma-the General Secretary, the All J&K Praja Parishad had sent the following letter to G.M.Bakshi-the Dy. P.M. of the J&K State on 2.7.1951 but page 2nd of the said letter was not traceable³⁸:-

JAMMU & KASHMIR PRAJA PARISHAD

(Central Office Jammu)

Ref:94/2/F

Dated 2.7.1951

Dear Sir,

"This is in continuation of your previous letter No. 91/2/F dated 26.6.1951. It has been learnt from reliable sources that the Kashmir Government has come to harbour certain doubts and misgivings about the benefices of the Praja Parishad. Parishad has declared so many times in its statements as well as in public speeches that its aims and objectives are to serve the people of Jammu and Kashmir State irrespective of religion, caste, creed or language and that it is national in outlook and considers every citizen of the State equal and that it is with the Govt. as long as the government is furthering those aims and objectives, it would offer healthy opposition, but in no case it would disturb the peace of the State. So far and in future too the Praja Parishad will remain wedded to conference workers who are out to produce wrong impressions, create bad hood and incite people to violence. They are acting on the policy of giving the dog a bad name and kill it. The National Conference workers are resorting to such tactics as well create disturbance in the State and thus strengthen the hand of Pakistan as will be clear from the facts detailed below:

1. We have been charged with making provocative and offensive speeches, but the fact is that Mr. Motiram Baigra and his companions are openly preaching violence. He delivered a speech at Reasi saying that Praja Parishad people are murderers, dacoits and bad characters. They should be tied with ropes, seriously beaten, made to sit on donkeys and then driven out to be drowned in the river Chenab etc. He preached violence and excited the public, but the Praja Parishad people kept their heads cool and behaved nicely and saved the situation which otherwise would have become serious. The fact was brought to your notice at that very time and twice after that as well. But

no notice has been taken of this inflammatory speech.

2. The incident of Sudhmahadev in Chenani Illaqa, District Udhampur, has already been brought to your kind notice. The meeting organised by Praja Parishad was disturbed with the help of a police organiser. A batch of fifty people armed with axes and lathies raised anti slogans, terrorised the audience and abused the workers and fell upon them mercilessly. As a result of two persons were seriously beaten. The Sub Inspector on spot and the Superintendent of Police Udhampur did not entertain the written report of the victims. The Medical officer refused to examine and issue a certificate of the injuries. The Deputy Commissioner also remained lukewarm and took no notice of these facts when brought to his notice. The victims had to be removed to Jammu Hospital for dressing etc.

On the other hand efforts are being made to involve our....And members who try to protect everybody and even shed their blood to defend them.

4. To condemn the unlawful action of the Goondas at Sudh Mahadev, the people of Udhampur observed complete hartal spontaneously to express their resentment at these inhuman and barbarous acts of the anti national and anti social elements. But the National Conference and the Kashmir Government took exception to it. They are against the people expressing their feelings and condemning such unjust, barbarous and inhuman acts, because the perpetrators belong to its group and that of Mr. Baigra. On the other hand, the people were victimized by cancelling the permits of some cloth dealers with a view to frighten, suppress and discourage the public. Similarly permits of four dealers of Samba have been cancelled as a result of hartal observed to protest against the arrest of Th. Raghunath singh Samyal. These are clear instances of suppression and harassment.

5. The shopkeepers whose licences and permits have been cancelled approached the District Supply Officer, Udhampur, and requested him to tell the grounds upon which their permits were cancelled. He told them that he was helpless and that he had been verbally ordered by Ali (Deputy Commissioner Udhampur) that licences and permits of all Praja Parishad dealers should be cancelled. When the dealers requested the District Supply officer to furnish a copy of the orders in order that they might lodge an appeal, the District Supply Officer insulted and turned them out of his room.

6. Mr. Aga Nasir Ali, Deputy Commissioner, Udhampur, in a speech at village Jib in Udhampur District preached violence and exhorted the audience to receive the Praja Parishad people with lathies and ropes so that they might not dare again to enter their villages.

7. On 8th Jeth 2088, Pandit Premnath Dogra, president, praja Parishad, went on tour to Poni, where a public meeting was held at night. As a result of his visit to the place two Zaildars and two Nambardars have been suspended on the grounds that they took part in giving reception to Pandit Premnath Dogra. The ground is absolutely false because use no such reception could be held at all at 9 in the night-the time of his arrival in the town. It may be brought to your notice that this is not the first instance of this kind. This has become practice to harass and trouble the persons who take part in Pandit Jee's reception or attend our meetings. This is a travesty of democracy as in its practice here, the aggressor is encouraged and the aggrieved is victimized exactly as the U.N.O. is doing in the Kashmir dispute.

9. On 12th Har 2008, S. Budh Singh, and Hon'ble Girdhari Lal Dogra went to Hiranagar for election propaganda. Failing to get a good audience, they arranged a Cinema show at night through the State Publicity Department. During the

show, Mr. Lalman, a Patwari at Hiranagar stood up and began to deliver a speech which was full of malicious propaganda against Praja Parishad. Mr. Jawala Prakash, a Vakil of Hiranagar, objected to this on the ground that he is an official and his position does not allow him to say anything against or in favour of any political party. At this the said Patwari raised a slogan "Sher-i-Duggar Murdabad". The public left the place. The police Sub Inspector arrested Mr. Jawala Prakash along with Mr. Devkinandan our worker at Hiranagar. Next day both of them were produced before the court under section 151/107.

All these facts confirm the doubts and fears that the Government's efforts are directed against the Praja Parishad and that the Government will not allow fair and impartial elections. The Praja Parishad on the other hand is endeavouring to maintain law and order in full appreciation of the critical situation and with a view to disillusion the security council that the elections in the state can be conducted fairly and impartially. I am afraid that if this process of harassment and arrests is not put to stop to, the chances of healthy and peaceful atmosphere would be lessened and free and fair elections would not be possible".

Yours faithfully
(Durga Dass Verma
General Secretary

All Jammu & Kashmir Government Srinagar.

Hon'ble Bakshi Ghulam Mohammed,
Deputy Prime Minister
Jammu & Kashmir Government,
Srinagar (Kashmir)".

"The All J&K Praja Parishad then sent the following letter to J&K Government for granting permission for starting party local paper 'Swadesh' from Jammu":- 39

Dear Sir,

"The Praja Parishad has decided to contest elections to the Constituent Assembly and for this purpose our workers in the field are already working day and night for the success. We are receiving constant demand from the field that we must have a paper of our own to give proper publicity to our cause and to make the voters conscious of the value of votes. It is not possible to go from village to village and from voter to voter to make known the instructions issued time after time by the organization. The necessity of Newspaper during all times and especially in the present democratic set up cannot be overemphasised. Your Govt. have proclaimed so often to the outside world that there is complete freedom of speech and press in the State and I am certain and confident that the Govt. have no intention denying the same to our organisation.

But I am sorry to point out that inspite of repeated requests to the local authorities, this just and democratic demand has not been acceded, this just and democratic demand hasn't been acceded so far. The first request for the purpose was made about six months back to the District Magistrate Jammu.

Now we are in the thick of election work and the need of the paper is more pressing. I therefore, request you kindly to ask the local authorities to accord the necessary sanction and accept our declaration of a paper named "Swadesh " already filed with the District Magistrate Jammu. Since the elections are fast approaching an early action in the matter is desired".

Yours faithfully,

The All J&K Praja Parishad Party then sent the following letter to Sh.D.P.Dhar the Chief Election Commissioner, J&K Govt. Srinagar⁴⁰:-

JAMMU AND KASHMIR PRAJA PARISHAD
(Central office Jammu)

To,

The Chief Election Commissioner,
Jammu and Kashmir Government, Srinagar

Dear Sir,

"I hope you remember our request for a paper of our own Freedom of Press and Platform both being the sine-quo-non of free and fair elections, you were kind enough to recommend our case to Hon'ble Bakshi Ghulam Mohammad the Deputy Prime Minister. Time left for elections being too short, the matter needs to be given top most priority. I expect from you, as the head of the elections work, that you would see that the chances of fair and impartial elections are not curtailed and that the Praja Parishad is allowed to run its own paper without loss of further time".

Yours faithfully,

Sh. D.P.Dhar
Chief Election Commissioner,
Jammu and Kashmir Government, Srinagar".

"Soon after Parisad leadership charged the National Conference and its Government of malafide tactics, number of irregularities and dubious methods in Jammu elections"⁴¹.
Pt. Prem Nath Dogra, President of the party in a press release at Delhi on October 6, 1951 mentioned the following malafide tactics used by the Government:⁴²-

- i. Not holding elections in the province of Kashmir and Jammu simultaneously;
- ii. Irregular Delimitation;
- iii. No general seat in three constituencies;
- iv. Out of the way polling stations;
- v. 41 out of 65 nominations of Praja Parishad candidates being rejected on the most flimsy grounds;
- vi. Favour towards the National Conference candidates;
- and
- vii. Official interference⁴³.

43 The following statement was then issued to the Press by Pt. P.N.Dogra, President of All J&K Praja Parishad at a press conference held in New Delhi on Saturday, Oct 6, 1951⁴³:-

IRREGULARITIES IN JAMMU ELECTIONS

The following statement was issued to the Press by Pt. Prem Nath Dogra, President of the Jammu Praja Parishad, at a Press conference held in New Delhi on Saturday, Oct. 6, 1951.

Friends,

"You must have read a lot about the elections to the Constituent Assembly of the Jammu and Kashmir State, but I feel that you have been given only one side of the picture. So, I would like to give you some facts about these elections and to leave it to you to judge for yourself in regard to the real situation in Jammu.

THE PRAJA PARISHAD

The Praja Parishad is the strongest political party of the people of Jammu for the past so many years, just as the "National Conference" has been of the people of Kashmir but ever since the present administration has been set up in the state, there has been a regular campaign of vilification and harassment of the people of Jammu. It was against this maltreatment movement two years back, which was withdrawn on the definite assurance that there would be no discrimination in treatment between the people of the two provinces of Jammu and Kashmir by the administration.

The Praja Parishad is not a communal organisation in any sense of the term, which fact becomes clear from the fact that it has on its membership rolls hundreds of Muslims. Some of them have been addressing public meetings from the Praja Parishad platform, but the government has adopted the tactics of dubbing these Muslim members of the Praja Parishad as Pakistanis, one of them was given a

beating by the local officials, while another has been extermed from the State and is today staying in India.

Ever since the partition of India, the Praja Parishad has unequivocally stood for unconditional accession of the Jammu and Kashmir state to the Indian union, while the National Conference has even till today not agreed to complete merger of the State to the Indian Union and wants defence, external affairs and communications alone to be controlled by the Central government of India. Even in the present election, the Praja Parishad demands the application of the entire Indian constitution to the Jammu and Kashmir State like all the other "B" and "C" class states that have acceded to the Indian Union, while the National Conference wants a separate constitution for the Jammu and Kashmir state for reasons best known to itself.

PRAJA PARISHAD VERSUS NATIONAL CONFERENCE

From the above it is clear that there are fundamental and basic difference between the National Conference and the Praja Parishad over the question of the State's accession to the Indian Union, while the Praja Parishad tends for unconditional accession to India, the National Conference has reservations in this regard and the conflicting statements and actions of the National Conference Leaders during the last four years create grave suspicions in the minds of the people of the state.

The present elections to the constitution Assembly of the Jammu and Kashmir state are also being fought on this very issue and that is the reason on why the National Conference has been making attempt to prevent the Praja Parishad from entering the Constituent Assembly.

With this in view, the government, which has name for the National conference is adopting all and foul, to prevent real representatives of the people from entering the constituent assembly. It was a result

of this policy that no opposition candidates dared to file their nomination papers in any of the 4, out of the 45 seats for the assembly in Kashmir province and the two candidates who did dare to file their nominations were compelled to withdraw them by undue pressure.

As regards Jammu province, this intimidation on the part of the National Conference cum government could not succeed as the Praja Parishid is the strongest political organization of this province for so many years past and the National Conference has not even existed, its activities having been confined ever since 1922 when it was borne as the Kashmir Muslim conference to the Kashmir valley alone. So attempts are being made according to a well laid plan to prevent the Praja Parishid from having any effective voice in the Constituent Assembly.

TACTICS ADOPTED

The first thing the National Conference government did was to decide not to hold elections in the province of Kashmir and Jammu simultaneously. Every body was surprised to find that while the nominations were being filed in the Kashmir valley even the final voter lists had not been made public for Jammu province. It was after the "unopposed elections" of the National Conference candidates had been announced in Kashmir, that the dates for nominations in Jammu province were announced with the deliberate intentions of influencing the elections in Jammu.

IRREGULAR DELIMITATION

Another tactic adopted against the Praja Parishid was that the Parishad was given no representation on the Delimitation Committee although at first the Praja Parishid was assured that its representatives would be associated with the committee but later this was not done, with the result that the delimitation of the constituencies was fixed by the delimitation committee are altogether opposed to the principles of contiguity compactness of the areas

as the bases of delimitation committee with a view to benefit the party in power.

The following specific instances will be sufficient to prove the above contention of the Parja Parshid:-

1. While fixing the constitutencies for the city of Jammu, Jammu Patwar, which is contiguous with Jammu city, was split up and a major portion of it was taken to the Kahna Chak constituency in Jammu tehsil, while the remainder was attached to the southern constituency of Jammu city to which was also added the Bahu Patwar on the other side of the river Tawi. A protest meeting against this unnatural delimitation was held and a resolution was adopted and sent to the Government on September 8th, 1951 but with no result.

2. Sari Patwar, across the river Bhini, which is a natural part of Basholi constituency was cut of from this constituency and was attached to the Billawar constituency, because this Patwar was taken to be in favour of the National conference candidates standing from the Billowar constituency. This division is quite unnatural and deliberately partial.

NO GENERAL SEATS IN 3 CONSTITUENCIES

The third method adopted against Parja Parshid was that the areas where Parshid was the strongest have been debarred from sending any candidates other than members of the scheduled castes, although the population of scheduled caste members there was comparatively very small. India scheduled casted castes and tribes have been given seats in addition general seats, but not at the cost of general electorate, except in those areas where the entire population has consisted of such caste and tribes, but in Jammu and delimitation committee has act apart three constituencies of Reasi Kahna Chak and Bishna for the Harijans only. If instead of these constituencies being reserved three seats had been set apart for these Harijans

in addition to general seats, there would have been no injustice to the general electorate, which has thus been a debarred from being represented in the constituent assembly, although they form majority of the population in all these areas.

The most glaring instance of the unfair delimitation of the constitutencies was the one in regard to Kistwar which has the largest population of Harijans as no representation has been given to harijans there, the reason is simple. The Harijan candidate of the Praja Parishid in this area Mr. Jagat Ram Arya was sure to get elected by an overwhelming majority. He was a member of the Praja Sabha or the legislative assembly of the state last time. The government first tried to win him over to the side of national conference. On his refusal he was arrested and sent to Jail. He was however ordered to be released by the High court as a result of a *Habeas Corpus* application. The Government then banned his entry into his home district of Kishtwar, by interning him in Srinagar, when there were protests against this around. The Delimitation committee debarred Kishtwar from returning a Harijan Candidate, thus making it impossible for the Praja Parshid candidate Mr. Jagat Ram Arya from being elected to constituent Assembly.

The Praja Parshid protested against these injustices but of no effect.

OUT OF THE WAY POLLING STATIONS

The fourth handicap put in the way of the Parja Parshid coming out successful was to fix the polling stations at out of the way places, where the National conference, government resources alone could carry the voters, and not the central places.

41 OUT OF 65 NOMINATIONS REJECTED

The fifth and the most atrocious attempt that was made against the Praja Parshid was that no less than 41

out of the 65 nominations filed by the Praja Parshid for 27 of the 30 seats from the Jammu province were rejected on the most flimsy grounds, while not a single nomination paper of any National Conference Candidate was rejected, although the Praja Parshid filed very serious objections against a number of them.

As the Praja Parshid had expected trouble in connection with the nominations, it had taken the precautions of filling the nominations of more than one candidate from 24 constitutencies and in some places the number of the Prashid nominations was even 3 and 4 but determined as the returning officer were not to let the Praja Parshid contest these seats, all the 2 or 3 or 4 nominations of the parshid candidate were rejected on one ground or the other. The details of the rejection of these nomination papers would therefore prove very interesting and deserve to be mentioned in some detail:

1. In the Billawar constituency, four nominations were filed for Dhyam Singh Tara Chand, Thakur Dass and Ram Chand. All the four nomination papers were rejected on the ground that the proposers and seconders of these candidates were not able to produce state subjects certificates, though no such conditions was necessary according to the election rules.

As against this, the nomination papers of the National Conference candidate named Ram Chandra Khajuria was accepted although his proposer and seconder too could not produce any state subject certificate and in addition his name was entered in the official electoral roll as Amar Chand and not as Ram Chand.

2. For Hiranagar constituency, the Parshid filed three nomination papers for Baldev Singh, Rudra Mani, Ram Dutt Jawala Prakash. The nominations of the first three choices were rejected on the same basis of the state subject certificate and that of the last named candidate alone was

accepted as the returning officer said he personally new the proposal and the seconder.

For the Basohali constituency, the Pra-Prashid filled three nomination papers in the name of Tara Chand, Jagdish Sharma and Ramchand. The nominations of the first two were rejected on the same ground of the state subject certificate, but the nomination of Mr. Ramchand was rejected on the plea that he was a Govt. servant , although he had brought with him his resignation letter duly accepted by his officer. This resignation was not considered sufficient.

As against this, the nomination paper of the National Conference candidate, Mahanat Ram, was accepted as valid, although he had not attached with his nomination the form of declaration specifying his election agent, the filling of which was compulsory for all candidates.

4. For the Kathua constituency, the Parishad had set up no less than five candidates named Chagar Singh, Surindra Nath, Prithvi Singh, Ranjit Singh and Vidya Prakash. The nominations of the first two were rejected on the same plea of State subject certificate. The nominations of Prithvi Singh and Ranjit Singh were rejected on the ground that they had been arrested in connection with the political movement in Jammu. The nomination of the fifth candidate was alone accepted as no fault could be found with his nomination paper.

As against this, the nomination paper of the National Conference candidate, Maj. Piyar singh, was held valid, although he had not attached with the necessary declaration as required by the rules.

5. For the Ramnagar constituency, three nomination papers were filled by the Praja Parshid for Hans Raj, Amrit Sagar and Shiv Charan.

The nomination paper of Hans Raj was rejected on the plea that he was not sure of his serial number on the official electoral roll. According to the original electoral

roll his No. appeared to be 490, but in the revised list it was 491. As a precaution, he filled two separate nomination papers, one giving the number as 490 and the other 491, but both were rejected on the ground that the candidate was not sure of his serial number.

The nomination paper of Amrit Sagar was rejected on the plea that he was not able to produce a certified copy of his entry in the electoral roll, although he carried an official copy of the roll which contained his name.

The nomination paper of Shiv charan was rejected on the plea that the name entered in the electoral roll was L.Shiva Charan, while the nomination paper merely stated Shiva Charan even though the father's name and all other particulars tallied fully.

As against this, the nomination paper of the National conference candidate, L.Hans Raj, was held as valid, although his name was entered as L.Hem Raj.

In addition, the nomination paper of Raghunath Singh and Dhanvantar Singh from the Samba constituency, of Shiv Lal from R.S.Pura and Sham lal from Akhnoor and other were rejected on the basis of clerical mistakes or minor printing errors. The nomination paper of Dharam Paul, a Praja Parishad candidate, was first accepted for the R.S.Pura constituency but he was latter beaten and made to withdraw it.

FAVOUR TOWARDS THE NATIONAL CONFERENCE CANDIDATES

Compared to these impediments put in the way of the Praja Parishad candidates, the way the National Conference candidates were favoured is illustrated by the following:

The name of Shrimati Ram Dei, who had been set up by the National conference for the Jammu city southern constituency, appeared in electoral roll as Mrs. Brigadier Rajindra Singh singh and not as ---- still her nomination paper was accepted.

The name of the National conference candidates from

Samba named Sagra Singh as well as that of his seconder did not tally with the entries in the electoral roll. Even then his nomination paper was held valid.

The father's name of Challa Singh, the National Conference candidate from the Chhamb constituency according to the State subject certificate is Barita, but in the electoral roll it was entered as Briti Singh. In addition, he is a Jat in the state subject certificate, but is entered as a Sikh in the electoral roll. Still, his nomination was held valid.

Although the election rules laid down that the objections on all nomination papers should be decided on one and the same day, in Kathua constituency they were held over for the second day on the plea that both the presiding officers had fallen ill simultaneously, with a view to help the National Conference candidates.

The above instances are only illustrated and not exhaustive, How for the elections in Jammu can be fair and free can easily be made out from these.

OFFICIAL INTERFERENCE

In addition to this, the entire administrative machinery of the National Conference Govt. has been geared to carry on propaganda of the most malicious type against the Praja Parishad, under the direct supervision of the Dy. Prime Minister of the State, who has been touring the Jammu province, threatening and intimating the people against supporting the Parishad.

The Deputy Commissioner of Kathua, accompanied by the Minister, sh. Girdhari lal Dogra has been touring and addressing the public meetings in favour of the National Conference candidates. He has cancelled the arms licences of many people in the border areas who did not support the National conference candidates and gave green licences to these who opposed the Praja Parishad.

In the same way, the Tehsildar, and the Naib Tehsildar

of Ramnagar have been doing open propaganda work in favour of the National Conference against the Praja-Parishad.

The above are some of handicaps which make it impossible for the Praja-Parishad to have a fair deal in these elections.

MR. GOPASWAMI AYYANGER HELPLESS

I came to meet the Minister of State, Mr. N.Gopalaswami Ayyanger, to point out to him all these irregularities in the hope that he would be able to secure a fair deal for the Praja Parishad in Jammu, but I regret to find that beyond some vogue assurances, he has not been able to assure me that the Praja Parishad could expect justice and fair play in these elections.

IMPARTIALITY NECESSARY

If the Government of India and the State Government want the formation of a truly representative constituent assembly for the Jammu and Kashmir state, the least they must do is:-

1. To hold an independent, Judicial enquiry to the rejection of the nomination paper of the Praja Parishad candidates, thereby enabling the Praja parishad to contest in all the 27 constituencies from where it had originally set up its candidates.
2. To appoint some supreme court judge to conduct the elections in Jammu, to assure perfect impartiality.
3. To prevent Government servants from working for candidates of any party in the state".

The following statement issued by Pt. P.N.Dogra just after the press conference⁴⁴:-

"In my statement dated 6th October, 1951 at a Press conference in New Delhi I briefly explained the various tactics adopted by the N.C. cum Govt.. in preventing real representatives of the people from entering the constituent Assembly. To ensure free and fair elections I suggested to held an independent judicial inquiry into the rejection

of nominations papers and to prevent Govt. servants from influencing the voters and helping the candidates of any party. But the State Govt. and the Govt. of India paid no heed to it. The W.C. of the P.P. unanimously endorsed my suggestions which were further ratified by the representative from all parts of Jammu province gathered together in Jammu to decide future course of action after our withdrawal from the elections as a protest against partial and unfair practices. The constituent Assembly is the nominee of the N.C. No confidence Resolutions were passed by all the constituencies of the Jammu province against the representative character of these nominated members and the Assembly which is to function as the sovereign democratic body. I would have cared a little to say a word about the procedure adopted by such an Assembly for election petitions vide J&K Govt.. Gazette dated 15th oct. 1951. But before being blamed for not availing of the chance of proving the farcial nature of the Assembly elections though elections petitions, I consider it proper to make it public, that this procedure was another fraud to dupe people as no justice could be expected from the body which itself is responsible for all injustices and partialities.

In old J&K Praja Sabha election rules of 1942, rules for the final decision of doubts and disputes as to the validity of an election are given under section 117, the court holding such an enquiry is defined as the high court of judicature or any other tribunal specially empowered or appointed by the government. Under the Govt. of India corrupt Practices and election, petitions against any returned candidate are to be presented before the Governor who is to appoint commission for the trial of petitions consisting those persons who are or have been or are eligible to be appointed judges of the High court and shall appoint one of them to be the President. Thus for

hearing election petitions the appointment of Independent tribunals or commissions consisting of Judicial luminaries is made by the Govt.. and not by the Assembly. But in our state the procedure adopted by this manipulated so-called sovereign democratic assembly is a novel one, suited to gain its own ends. The Resolution in question published in the Gazette of Nov. 15, 1951 which came to be distributed after the 20th Nov. 1951 i.e. 20 days back, leaving only ten days for the urban constituencies and practically no time for the rural constituencies to file petitions, is another fraud. The period of submitting election expenses on the other hand was extended because illiterate members failed to do it within the prescribed period.

The so-called Assembly inspite of its unrepresentative character and having no confidence of the people of the Jammu province has been given wide arbitrary powers under sub para even of appointing tribunal and even dismissing the petitions. Because of this novel procedure and concentration of powers in one person no fair deal was possible from such a body and as such it was useless to approach it for justice, which was sure to be denied, as it had been denied by the wholesale rejection of nomination papers. The P.P. under these circumstances did not consider it worthwhile to file election petition, though it would easily to prove the elections were not free and fair at all before an independent commission or tribunal".

Sd/Prem Nath Dogra.

He also met Mr. Gopala Swami Ayyanger, the then Minister of States, and reported about all these irregularities and made the following suggestions⁴⁵:-

- i. To hold an independent judicial inquiry into the rejection of the nomination papers of the Praja Parishad candidates in all the 27 constituencies from where it had originally put up its candidates;
- ii. To appoint some Supreme Court judge to conduct

the elections in Jammu, to assure perfect impartiality; and

iii. To prevent Government servants from working for candidates of any party in the State.

The General Secretary of All J&K Praja Parishad in a letter to State Election commission dated December 5, 1951 made the similar complaints⁴⁶. The party's working committee met on September, 1951 in Jammu and adopted a resolution, giving an ultimatum to the government to set right the deliberate rejections of party's candidates upto September 27, 1951 moon, failing which it might go to the extent of boycotting the elections⁴⁷. The party ultimately in a telegram to Prime Minister of India on October 12, 1951 boycotted the election under protest. The Constituent Assembly, therefore, consisting of 75 National Conference nominees as its members.

Meanwhile a few Pro-Parishad students staged a demonstration and registered a protest against the hosting of the National Conference flag in a function held at G.G.M. Science College on January 5, 1952⁴⁸. The Government charged that the demonstration was organised and inspired by the All Jammu and Kashmir Praja Parishad. This led the arrest of Pt. Prem Nath Dogra and other leaders.

The Head Lama of Ladakh Kushak Bakula said... "Kashmir valley might in case of a U.N. plebiscite, choose to opt for Pakistan. In that case... there can be no question of Ladakh being dragged into Pakistan... Ladakh... would sooner join Tibet"⁴⁹. He further suggested... the break up of the present territories of the State of Jammu and Kashmir into Kashmir valley, Jammu and Ladakh-with the first continuing its present status and the latter two acceding to Bharat as directly and fully as any other constituent of our federation seems the only way out of the perplexities of the people of Jammu and Ladakh⁵⁰.

On the other hand Mirza Mohd. Afzal Beg, the then Chairman, of the Basic Principles Committee declared in the Kashmir Consenbly on March 24, 1952 that the State of Jammu and Kashmir would be an autonomous Republic within the Indian Union, with a separate President, national Assembly, Judiciary, Regional autonomy and a separate citizenship⁵¹. Beg's statement was deeply resented not only in Jammu and Ladakh but throughout India and it created serious apprehension about the credibility of the National Conference leadership. Mr. Durga Das Verma, the then General Secretary of the Praja Parishad said, "We have decided to pool all resources to fight against the dangerous designs of the party in power which wants to make the State a sovereign Republic"⁵².

The following statement is the reaction of Dogra Sanstha against Mr. M.A. Beg statement made in constituent Assembly on March 24, 1952⁵³:-

Dogri Santha

"Dogri Sanstha is a cultural organisation of the Dogra Pahari people of Jammu. It has been working for the last nine years for the cultural and social advancement of our people. It is a patriotic body. It was the first to welcome the rise of popular democracy in the state in 1947 and work actively for the spread of National Conference Movement in Jammu Province, because we believe that the consolidation of patriotic elements in the State would led strength and stability to the forces of nationalism in India (A copy of the appeal made to the people by the Organisation at that time is attached for your perusal). As such we alone can reflect the true aspirations of our people, their tone and temper as we alone have living contacts with them.

The proposed constitution of the State -ordinarily, we keep away from politics but when politics begins to have a vital bearings upon our future as a people,

silence does not retain its attributed golden qualities. The recent announcement of the Hon'ble Mirza Mohd Afzal Beg the Hon'ble Revenue Minister of the State in the Constituent Assembly that the Kashmir would be fully autonomous republic within India has raised some basic issues which shall have far reaching effect on our people and their culture. It is in the belief that the representation of the real feelings and sentiments of the people about these would be of some help to you in understanding the nature of the problem and in finding a basis for minimum working agreement, that we have taken liberty of addressing these few lines to you.

ACCESSION AND RELATIONS WITH INDIA

The State's relations with India are governed by the terms of the Instrument of Accession and subsequent stipulation which secure for the State a greater degree of separation than the other acceding states. An acceding state can stipulate for a greater measure of autonomy than other. But there are real differences between Jammu and Kashmir about the degree and extent of autonomy secured. The degree of integration and separation can be varied by varying the number of subjects on the state list, but accession to India does not establish the State to repudiate the basic concepts of the Indian constitution.

Most people in Jammu would like to join India as other States have joined. There is nothing communal about it. This desire is natural as complete integration with India brings some immediate economic benefits and we stand in need of immediate economic relief. But the people of Jammu will always be prepared to accommodate the other point of view and they will agree to the State retaining a larger number of subjects on the state list as a compromise. But the following basic issues admit of no compromise and the government of India should take, therefore due note of them. Whatever, degree of State's internal autonomy we

shall not subscribe to a constitution which does not provide for:

- a. Integration of State's territory with India and hence abolition of Custom or any other condone.
- b. The powers of the Union President as the Supreme Head of the entire territories of India including the State.
- c. Jurisdiction of the Union Supreme court as the guardian of the law and constitution.
- d. The fundamental rights granted by the Indian constitution

Ruling House

The question of the head of the State also is not so simple. We do not oppose the dissolution of the ruling dynasty if this can facilitate the accession of the entire state to India. But the dissolution of the head dissolves the existing political unity of the various national areas. The state is in the main composed of four distinct geographical regions which had different status before they were brought together into one political unit.

1. Jammu National area between Banihal and Ravi was a principality held by the Raja Gulab Singh Ji.
2. Ladakh was a part of Tibet but was conquered by Raja Gulab Singh in 1842.
3. Kashmir and the Northern areas were secured through treaty of Amritsar in 1846.
4. Poonch was a Jagir of Raja Dhian Singh, Raja Gulab Singh's younger brother.

With the dissolution of the ruling house the sovereignty reverts to these national areas and new unity can only be forged if the independent status of the regions is recognised and accepted. If the State is to function within Indian Constitution the removal of the ruling Prince places following constitutional alternatives before the State Government.

a. If can advise the President that he may after consulting the wishes of the people merges it with adjoining State or States.

b. It can inform the President that the State may now be admitted as part A State.

People in Jammu would not strive for the disintegration of the state as a Unit. The state has come to them as a heritage from their illustrious forefathers. They are prepared to accept the (b) alternative in spite of the fact that merger with Himmachal would culturally and linguistically be more natural.

BOUNDARIES OF THE VARIOUS REGIONS

This is another very important question. It is reported that the areas between Pirpanchal and the Patni Top are being integrated with Kashmir and Rajouri and Poonch is being declared as a separate autonomous region. The creation of these regions has to be viewed from the larger interests of the security of the northern frontiers of India. We met Professor Shibban Lal Sexana some two years back and supplied him with a written note of the subject warning him that sooner or later Kashmir would declare itself to be an autonomous republic and would try to grab as much of territories as it can. Unfortunately, we have not the note with us. But the truth of the Statement can be ascertained by referring to Professor Shibban Lal who may still have the note with him. The people of Jammu will not submit to the partition of their areas and shall whatever their political belief or party alignment stake their all for the integrity of the areas between the Pirpanchal and the Ravi. The integrity of these areas is essential from India's point of view as well. This area of the Middle mountains is of great strategic importance. The Kishtwar Tehsil is the biggest and of the greatest economic and geographic significance. The great Himalayan Zanskar

range separates it in the east from Sarru and Zaskar illaqa of Ladakh and Pirpanchal to the west separates both Ramban and Kistwar from the Kashmir valley. The south east is bounded by Pangikulu Lahol. Thus Kishtwar occupies a very important strategic position in the geography of the regions lying north of Himmachal Pardesh commanding routes into the valley, Ladakh, Pangi lahol and plains of the State. If this region is taken away from Jammu the security of Jammu, Himmachal and Pangi Lahol will be seriously affected. Moreover, we feel that the demarcation of the boundaries as reported in the Press divides the territories of the State into Muslim and non Muslims areas which amounts to directly playing into the hands of Pakistan. These areas are economically, culturally and geographically part of Jammu province and on this there cannot be any compromise.

But in case India is unable to exert pressure for integration on account of any previous commitment we hope and believe that Govt. of India will help us in securing our just place in the arrangements contemplated. There is acute discontentment among the people in Jammu and a satisfactory solution of the issues raised will relieve discontent to a great extent. In case Kashmir chosen to be an autonomous unit we submit an alternative arrangement which can meet the aspiration of the people of this place to a large extent. (copy enclosed). In case aspirations of the people of this place are not recognised and accommodated there is a great danger of the situation deteriorating. We feel it our duty to inform the Govt. of India through you of the facts of the situation".

The following is the full text of the statement issued on 28.3.1952 by Shri Durga Dass Verma-The General Secretary, The All J&K Praja Parishad when Mr. M.A.Beg announced in the J&K Constituent Assembly that J&K State would be an autonomous Republic with in Indian Republic⁵⁴:-

"My attention has been drawn to the recent statement of Shri Mirza Mohd Afzal beg in the Kashmir consembly that "State of Jammu and Kashmir would be an autonomous Republic within the Indian Union and that the State would have its President as also its own National Assembly"etc.,etc. While highly disappointing to the elements desirous of speedy integration of the State with Bharat, it has not in the least caused any surprise to the Parishad circle at large. Whereas it confirms our oft repeated doubts regarding this sinister move towards independence of the present rulers of the State, it must serve as an eye opener to the people of the Indian Republic.

Shri Sheikh Abdullah's and his lieutenants' these ill advised utterances are a timely pointer to prove what is being manipulated behind the screens. The present declaration of Shri Beg to the above effect is only a final release of all that the Kashmir National Conference leaders by virtue of being the unquestionable masters of the State at present, expressed so often by Shri Abdullah himself, though hesitantly and diplomatically.

Evidently this goes against Indias' interest, its integrity, and solidarity. This specially privileged and extraordinary position of rulers of the State, is sure to tempt others to develop the same separatism and independent tendency. The recent statement of His Holiness Shri Kashyp Bagkila, the head Lama of Ladakh, bears testimony to this apprehension. Every patriotic Indian will be perturbed to note this political drama being staged in the State, at a time, when the internal conditions definitely ill afford encouragement of such unfortunate tendencies among the different cultural zones of the State. Because of these impolitic declarations of the bosses of the party-in-power, I see no means to checkmate this frustrated psychology, which if allowed to develop shall ultimately bring disaster for the whole state.

Further what is of more importance is that it shall besides leading to social disintegration, make us perpetual political slaves to this one party dictatorship and shall withhold our economic emancipation.

The people rightly feel that their ultimate salvation lies in the application of Indian Constitution, as at present there exists no liberty of press and platform, and mass detentions simply of political reference, without trials characterise the present set up in the state. Judiciary merely serves a routine constituent of State hierarchy and is under complete control of the all powerful executive. Thus the proposed autonomous Republican set up within Indian Union shall further go on crushing the poverty stricken people of the State under the heavy toll of Customs duty.

In view of all these factors Parishad's stand of complete and unconditional accession of the State with India and the removal of discriminatory Section 370A from the Indian Constitution represents the inner feeling of the entire state. We are of the opinion that it shall not only make the people of the State one with India, but shall also provide them with opportunities for progress on equal footing with their Indian brethren. The fact that this very pro Indian stand of the Parishad has been responsible for the disrepute it has accumulated from the interested elements within and without the state, represents an unprecedented historical irony. All the insinuations, insults and humiliations are being suffered by it, as it stands by India, for India and with India.

Now when shri Beg has laid true cards before the public eye, we hope it shall help the Indian masses to read the true implications and complications of issue and thus afford them an opportunity to rise to the occasion.

As stated often Praja Parishad is the most dependable unit in the state. It is prepared to shed its last drop of

blood to achieve its objective of application of Indian constitution in the State, which is knowingly obscure to Shri Abdullah. The charges of communalism, sectarianism, provincialism etc., are themselves belied by the fact that the Parishad stands for the most secular constitution of India. It is too simple to need any further clarification or comment.

The hostile attitude specially of the English Press of Bharat towards Praja Parishad is unfortunate in as much as it is unconsciously cutting at the very roots of Indian unity and solidarity and of oneness of policies and programmes. The cold welcome with which the Parishad is received or is made to be received would rather jeopardise Indian interest themselves, which Parishad endeavours to safeguard not caring even for its extinction.

I hope that the said statement by the Hon'ble Revenue Minister in the State Constituent Assembly would serve its useful purpose by giving a strong jerk to those who are complacent about the Kashmir's affairs and let them think seriously about this emerging headache to the Indian Republic".

Jai Bharat

Sd/- Durga Dass Verma

General Secretary

All Jammu & Kashmir Praja Parishad

Jammu

55 Mr. N.G.Ayyanger, the then minister of States of India, who visited Jammu in April 1952 to study the situation and to cool passions, advised the framer of the State Constitution to be practical and not led by shibboleths and theocratic ideas and rather display a measure of political wisdom⁵⁵. At this instance the Parishad leaders were released. As a result the National Conference leadership in general and Sheikh Mohammad Abdullah in particular 36 felt this as a central intervention⁵⁶.

Pt.P.N.Dogra, the President of the All J&K Praja

Parishad had issued the following statement of about the student agitation on 8.4.1952⁵⁷:-

PRESIDENT ALL JAMMU & KASHMIR PRAJA PARISHAD

"Whereas it has been my endeavour and that of the organization I have the honour to represent, to exercise necessary restraint in bringing to public light all the omissions and commissions of the government for the healthy function of the Democratic set up of the State for the last so many years of our existence, least expositors at this state of our country's histo-may not strengthen the hand of our common enemy, it still remains an unsolved problem with me, as to what necessiated my arrest and the reign of terror thereafter.

Inspite of the fact that our assertions during and after the students protest and incidents thereafter, to the effect that the said students' movement was going on quite independent of our guidance and patronage have fully been substantiated, I still stand by my February 8th statement, demanding the institution of an independent enquiry commission to prove the validity of the Governments action, which the latter is justifying so much even now.

Ever since the installation of present Government in the State all political detentions without trials have been carried out simply on political differences. Quite astonishingly I find not even a single instance when the present Government has cared to try a political detenué in an open court of law and furnish him with every legitimate facility that the law entitles him for his defence. Such an attitude on the part of the present Government besides being undemocratic is quite unbecoming for the much propagated popular character of the present regime. The natural result of all this is that a sense of despair and insecurity prevails throughout.

The present dramatic "closure of the chapter" lends further belief that all the political opposition shall

not be spared in the present set up of the State and shall therefore be an occasional pray for the bureaucratic irresponsibility and police lock ups. In view of the claim that the party in power taken fancy to reserve for itself, it was expected that it shall establish decent political precedents in dealing with opposition. But is unpleasant to remark that our experience of the last 5 years has fully disappointed us in our expectations. Therefore the political capital that the Pakistan Government takes out from the mass risings, directed for economic betterment and political ameolatration is the result of sheer lack of realism and civilised diplomacy of the rulers of the State. I wish even now the Government would realise its duty and acknowledge boldly the errors it is guilty of committing these years of its misuse of power and list thereby sorty political institutions to be followed by others.

Now with our release, when the eclipsed political horizon of the state is somewhat clear before me, and all out stock taking is necessary in order to formulate our future policy.

It is painful to note that the Government has rushed through the most undemocratic method of nominating the States's representatives to the Indian parliament, in quite disregard of our innocent clamour for their election, the practice which was followed in other states of India. Not only this the leaders of the party in power had the courage the express unreservedly and in unequivocal terms, their mind in the future relationship of the state with India. The said desire to establish an autonomous Republic within India must have disillusioned the common tax payer of India, whose sucked blood is continuously being injected into the veins of the present state secretariat by the Indian exchequer, and has so far reciprocated our occasional jerks to rise and resist this sinner move, with indifference,

but it confirms by fears expressed so often through press and platform.

Before my arrest I was in correspondence with the President of India on the subject of getting elected the state representatives to the Indian Parliament, but what did I know that the party in power is out to play with popular sentiments and gage the voice for such an election. The doubt that the Government did not intend to throw the choice for the people verdict is confirmed and needs therefore no proof.

Mr. Beg's declaration, which Sheikh Sahib has fully endorsed, that the constitutional relationship of the State with India, shall be that of a "Republic within Republic" raises a pertinent question, viz a viz purpose of sending our representatives to the Indian parliament?

If we are Pakistanis because we clamour for Indian constitution, we are reactionaries, because we demand election of the representatives for the Indian parliament and we represent disgruntled feudal elements, because we court arrest for complete and unconditional accession of the state with Bharat, then what is the wisdom of having any relationship with India. I earnestly pray that reason may prevail upon the National Conference lead to realise the great potential benefit that the unconditional accession and our complete integration with India shall bring in its wake for us. On the contrary the proposed Republican set up shall lead to the Balknisation of India and shall in the long run weaken the state's position both economically and politically.

The situation demands a revision of policy and all out without drawly from the original stand for the mutual benefit of India and the state.

While concluding I shall, while appealing to all the democrats and patriots of Bharat to wake up and prepare for this great threat to the integrity of our motherland,

demand emphatically of the government to restore all the civil liberties and end once for all the existing police harassments. The continued detention of one of my colleague's Sh. Makhan Lal is causing great concern to all of us and I wish him to be released immediately.

In the end I expect that not only the sympathies of India, but also all the resources at its disposal to help us in realisation of our goal which is really India's aim".

Jai Bharat

Dated 8.4.1952

(Prem Nath Dogra)

President

All Jammu & Kashmir Praja Parishad,
Jammu.

The following was the Press note released by the J&K Praja Parishad about the incident took place after the release of Parishad workers from Srinagar jail in 1952⁵⁹:-

Press Note

"One hundred and fifty seven Praja Parishad satyagrahies were released from Srinagar jail on 1st of August at 7 p.m. Seven satyagrahies in that jail have not yet been released. They have been singled out because they protested against some derogatory remarks against the Parishad and its leader by the Deputy Superintendent of the Jail. Prominent among those released are Shri Shym Lal Sharma organizing Secretary Jammu and Kashmir Praja Parishad, thakur Raghunath Singh Samyal, the famous Dogra poet and Shri Mulkh Raj Advocate of Samba.

The released satyagrahies were sent to Jammu on the State transport buses without any police escort. At Dalgate an organized attack with stones and acid bottles was made on the buses carrying satyagrahies by big mob which had been collected there. As a result more than a dozen satyagrahies received injuries. This news has created great resentment in Jammu. The satyagrahies were also not

*The praja parishad
leaders then demanded
an open inquiry
about the student
agitation in 1952
in Jammu.*

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given bus fare for their respective home places. The satyagrahies on their arrival in Jammu were received by Pt. Prem Nath Dogra and a large number of other Parishad workers and citizens of Jammu at the Amphalla Octroi post.

It is learnt from the Satyagrahies that they were badly maltreated in jail. A number of them were mercilessly beaten just on the eve of their release.

The General Secretary of the Parishad has sent telegram protesting against this treatment to released satyagrahies to Pt. Nehru, Dr. Katju and Sheikh Abdullah and Bakshi Ghulam Mohammad".

Publicity Secretary

All Jammu and Kashmir Praja Parishad, Jammu.

The following statement issued by Pt. P.N. Dogra President All J&K Praja Parishad on 12th April, 1952 after his release from the Srinagar Jail⁶⁰⁷:-

"The Jammu College boys's hunger strike has come and gone, 1 but the trail it has left behind has been rather acrimonious. The Government issued a press communique on 8th Feb, last justifying the extraordinary measures to suppress the students's agitation wherein the Praja Parishad was implicated and accused of "subverting authority" a not uncommon shibbiloith copied from the British masters in India, and "inspiring the student to violence" an unwarranted an unsubstantiated charge. I at once contradicted the Govt's allegations and demanded an open, impartial and independent commission of enquiry to punish the guilty, but instead I was arrested with my colleagues that very night, under the dark cover of 79 hours curfew clamping the city. After full two months detention in the icy cold cells of Srinagar Jail, I have now been released, but still I find that not all the arrested comrades have been set at liberty.

The present arrests have, however, confirmed the

impression that the govt. claiming to be the representative of democracy arrests people, detains them in jails, for undefined period without trials and resorts the undersirable restrictions on the liberty of the people. This is no democracy. Everyone in the State holding a political opinion different from that of the party in power but in no way anti national is unsafe in the present regime, a state of affairs which does not add the fair name of the Government.

My arrest was made at a time when I was in correspondence with the President of the Indian Union in the matter of choosing members for the Indian parliament from the State of Jammu and Kashmir by election like other part B states of Hyderabad, Mysore, Saurashtra etc. and not by nomination as has now been done. Persons of unrepresentative character have been elected in defiance of the people's genuine demand. The general feeling among the public has been that these unjustified arrests were simply resorted to gag the popular voice and suppress opposition constitutionally started by the Praja Parishad. It is no tall talk that the Praja Parishad stands for unequivocal and complete accession to India with full application of the Indian Constitution and the extension of the jurisdiction of the Supreme court of India to the State. Every one in the State has been simply disappointed and shocked at the speeches of Sheikh Abdullah and his Revenue Minister Mr. Beg declaring that the State is independent in all respects and that the Constituent Assembly nominated by their party is sovereign for all purposes even to the extent of making the State a "Republic within a Republic". The position taken by these two leaders of the National Conference is not only unpatriotic but a challenge to the very Government of India uncertainty from the enemy on the one hand and economic starvation on the other and to the Union of India to which we claim from the house stops to have acceded. We speaks an ingratitude

which no citizen of kashmir would endorse. I and my party want to reiterate in clear terms that our state has acceded to India for all matters and if any attempt is made to restrict or limit the full accession by continuing the unwanted Art. 370 in the Indian Constitution, we shall not hesitate to offer any sacrifice to resist it.

In the interest of India and the State, I would respectfully urge the President of the Indian union.

i. To appoint an independent commission to enquire into the recent college Boys' hunger strike and the Government's charge of Praja Parishad's hand therein, as also the unwarranted and vindictive measure taken by the Government.

ii. To have the unwanted Art 370 delete from the Constitution of India so as to extend the full benefits of the said constitution to the people of the State of Jammu and Kashmir together with the jurisdiction of the supreme court.

iii. To cancel the nomination of 10 members from the State to the Indian parliament and order their election like other part B states.

iv. To undo the disintegration of the Jammu province into unwanted administrative units of Doda and Poonch Rajouri, to restrain the Govt. from the intended move of breaking of Ladakh province.

v. To issue a directive to the Govt. of the State that all talk of a "Republic within a Republic" is unconstitutional and that no member of Govt. party, or individual should indulge in such irresponsible declarations which are calculated to strengthen the enemy's hands when the fate of the state is hanging in the balance and

vi. To order appropriate measures being taken by the Govt. of India to grant an equal status to the people of the State with the people of India, and remove unwanted and restricted barriers of customs.

In the end, I want to thank my country men who despite of grave and extreme character have given proofs of their tolerance and patience, by a silently boring the vagaries of the Govt. in power. I assure them that the Praja Parishad will not rest content until it attains the cherished goal for which it considers no cost the high and no sacrifice too great and expect every true citizen of the State to offer and lend it his or her support, unstinted and sincere.

Before closing I would like to sound a note of friendly warning to the Govt. That they should behave as true servants of the people and not get puffed up with power to suppress their legitimate aspirations by resorting to tactics once employed by foreign Govt. of India".

Prem Nath Dogra

President

Jammu

12th April, 1952

All J&K Praja Parishad Jammu.

Pt. P.N. Dogra then went New Delhi to seek audience from Pt. Nehru the Prime Minister of India. He wrote a letter to Pt. Jee in this connection. But audience had been refused. Pt. P.N. Dogra then wrote the following letter to Pandit Ji on 27th May, 1952:-

Dated, New Delhi the 27th May, 1952

Respected Pandit Ji,

"I am pained to find from the letter of your Private Secretary that you have turned down my repeated request for an interview.

I have come from Jammu expressly with the idea of seeking your guidance about the difficult situation that has been created in the State by the declaration and policies of the Kashmir Govt. particularly those concerning the future relationship of the State with India. Those who do not completely agree with the stand taken by the National Conference are not allowed to open their lips in the state and are not given any hearing by your Govt. as well. But

when they do anything to vindicate their stand both you as also Sheikh Abdullah's Government pounce upon them. This is a most unfortunate position.

Moreover, an interview had become necessary to remove the wrong impression given to you by the interested persons regarding the alleged misuse of my previous interview with you.

I expected a more considerate and broad minded treatment from you. But the attitude adopted by you has disappointed me".

Yours Sincerely

sd/ Premath Dogra

All Jammu & Kashmir Praja Parishad,
Kalabadi, Reading Road, New Delhi.

Shree Jawaher Lal Ji Nehru
Hon'ble Prime Minister
Indian Dominion
New Delhi".

*All J&K Praja
Parishad*

The National Conference Govt. had sent the following note to shri N.G. Ayanger in 1952⁶²:-

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"One of the most difficult problem is framing of Jammu and Kashmir State's constitution is to satisfy regional aspirations and other demands of a like nature. The draft circulated has suggested the division of the State into four administrative regions. But this regional division proposed in the draft, I am afraid, will relate to the fragmentation and disrupt the progressive political movements in the State as a whole. The proposed regional redistribution of areas has ignored geography, natural barriers, physical lay out of the land natural outlets, economic and trade relations, and cultural affinities. The draft envisages an unnatural grouping of areas mainly on communal percentage of population, which if agreed to, might do infinite mischief to the growth of secular politics. the arrangements contemplated will fan communal

and racial rivalries and passions, foment communal combinations and encourage communal alignments. The creation of Doda and Rajouri Districts was in the main a purely administrative measure and assurances to this effect were given by the Govt. at the time of their creation to the people of those areas and the people of Jammu. Moreover, such a move at this juncture will help to strengthen the Imperialist plans for a zonal and communal partition of the State.

But similar problems have arisen elsewhere and it would be of immense help to see how they were solved. An attempt should be made to meet regional aspirations without creating separate Govt. heads, without incurring extra expenditure or effecting fragmentation of financial resources. The case of Austria-Hungary of the pre-1914 era is an instructing instance. If we call Austria-Hungary a Union, Hungary a province and Croatia, a sub province of Hungary, the relations between the province and the sub province were as follows:

1. The Union, the Province and the sub province had a common Head.
2. Each had its own legislature and executive dealing with its own subjects.
3. The sub province had its own contingent members both in the provincial legislature and the Union legislature.
4. The sub province had a special Minister in the provincial cabinet.
5. The sub province had its own official language.

Another useful instance is the Government machinery in the United Kingdom for this purpose, it is useful to study the administrative arrangements obtaining in the country in 1912, when the whole of Ireland was still as a part of the United Kingdom. In the U.K. Cabinet of 1912 there were 15 members concerned with domestic administration. If, therefore, dealt with subjects of

common interest and exercised their powers in each of the three parts of U.K. Of the rest three were exclusively meant for England, one Secretary of the State for Scotland had functions only in Scotland and one had functions only in Ireland; others had functions in one part and some in more than one. On the legislative side there was also some measure of regionalism.

It is possible to adapt these arrangements with suitable modifications to the State conditions and meet the desire for regional autonomy to a considerable extent, without jeopardising the political, integrity of the State as a whole. The following arrangements based on the two instances quoted above, if considered, can satisfy to a large extent local aspirations without breaking up the state. These arrangements will constitute a particular mode of administering an existing Unit.

1. For more convenient transaction of business the State of Jammu and Kashmir may be divided into two administrative Units, the province of Jammu and the province of Kashmir. The Kashmir province shall consist of the three districts of the Kashmir valley, and Tehsils of Kargil and Ladakh. The Jammu Province shall comprise Jammu Kathua, Udhampur, Doda and Poonch-Rajouri Districts.

2. The executive Head of the State will also be the executive Head of the province.

3. Both the provinces will have a common legislature elected on adult franchise which shall meet twice in Jammu during Winter and twice at Srinagar during Summer and Spring Autumn.

4. During the first fortnight of its Session, the legislature shall function as the provincial legislature of the province in which it has met, when members elected from that province need alone be present. For the remaining period of its session, the legislature shall meet as the National Assembly of the State as a whole.

5. The Head of the State will be advised by provincial Ministers elected from the legislatures of that province in affairs relating to the provincial subjects and by the central cabinet for affairs of common concern/

6. The provincial Ministers will have their permanent Headquarters at the Capital of the each province, where as the Ministers of the Central Cabinet shall move during Winter to jammu and during Summer to Srinagar.

7. All executive actions of the Government will be taken in the name of the Head of the State and deemed as the executive action of the Jammu and Kashmir Government. How and by whom the action is taken is purely a matter of domestic arrangement.

8. The action of the legislature similarly will be deemed as the action of the State National Assembly. Through which particular set of legislators, the State legislature acts for a given purpose is again domestic detail.

9. Each province shall have its own official language or languages.

10. The cultural and linguistic minorities in each province shall have statutory right to receive education through the language of their choice and there shall be a minister belonging to that University to look after their interests in the provincial set of ministers.

11. The following subjects shall be deemed to be of provincial interest localself government, panchayat rural development, Co-operatives, Public Health, Veterinary, Education; Primary and Secondary, Libraries, Museums and Institutions of like nature, Relief and Rehabilitation, Roads, Works, Lands and Buildings, Bridges, in land water ways, Ferries. Agriculture, irrigation, Water supply, Electricity, Forests, Protection of wild animals, Birds and fisheries, Mines and minerals development, Inland trade and commerce, Tourism, Inland transport, Markets,

Fairs, Pilgrimage, Theatre, Cinema, Batting and gambling, Planning and Industries.

12. The following Heads of revenue can be pooled for the provincial administration fund:-

- a. Land Revenue, Abiana etc.
- b. Income from Forests.
- c. Taxes on the entry of goods into a local area,
- d. Tax on the consumption of electricity and water supply
- e. Tax on animals, boats.
- f. Fines for offences against laws, with respect to matters on the provincial list.

Such an arrangement has several advantages. It:

1. Meets to a large extent the demand for regional self-rule. The degree of separation and autonomy can be varied by extending or reducing the list of joint subjects.

2. It avoids unnecessary overhead expenditure. The creation of two set of ministers will not necessarily mean increase in expenditure. The creation of provincial minister will obviate the necessity of deputy ministers and some inter provincial Heads like the Chief Conservator of Forests, Director General rural uplift and Tourism etc. etc. the present combined secretariat is already over staffed. It can easily be reorganised and redistributed to suit the arrangement of Two set of ministers.

3. It meets the fears of distinct culture and linguistic minorities without breaking the geographical and natural unity of the area and without encouraging communal and other disruptive tendencies.

4. It mains the political integrity of the State.

5. Still greater cohesion and uniformity between the working of the two provincial administrations and the centre can be secure by evolving a working convention whereby the senior minister from Kashmir provincial ministers may be allowed to function as the Prime Minister

of the State and the Senior provincial minister from Jammu to function as the Deputy Prime Minister in addition to the provincial work allotted to them. Each can represent his provincial Govt. When the National Assembly is in session in the province other than the one which he represents.

The plan suggested may at first sight seem to be cumbrous and unusual. But the detailed arrangements will in fact be secured not by provisions in the constitution but by rules of business framed and by evolving suitable legislature and executive convenience and precedents. If some particular mode of business is found to be defective it can be altered by altering the relevant rule of business.

For the arrangements proposed and the analysis of the different constitutions, i am indebted to the Pamphlets on Regional arrangements published by Shri B.N.Rau, the World known Jurist and Constitutionalist".

The subsequent political developments, activities and utterances of even some of the top National conference leadership had encouraged the disruptive forces to make a fresh attempts to disintegrate the State. Sheikh Abdullah was said to be drifting away from the rest of India and even Jammu and Ladakh regions. In a sensational speech on April 10, 1952 at R.S.Pura Sheikh Mohammad Abdullah, while referring to 'unrealistic, childish and insane' arguments for full application of the Union Constitution to the State, he said⁶³:

"No one can deny that the communal spirit still exists in India. Many kashmiris are apprehensive as to what will happens to them and their position if, for instance, something happens to Pt. Nehru...As realist, we Kashmiris have to provide for all eventualities. If a special status for Kashmir was not granted in Indian

Constitution, how can we convince the Muslims in Kashmir that India does not interfere in the internal affairs of Kashmir? We have acceded to India in regard to defence, foreign affairs, and communications in order to ensure a sort of internal autonomy...If our right to shape our own destiny is challenged and if there is a resurgence of communalism in India, how are we to convince the Muslims of Kashmir that India does not intend to swallow up Kashmir...Such developments might lead to a break in the accession of Kashmir to India".

He repeatedly assured his people in Kashmir that he had never surrendered to Muslim communalism of Pakistan and would never surrender to Hindu communalism of India.

He further said⁶⁵:

"If Jammu and Ladakh so desire they can integrate with India and leave valley free to have a limited accession.

In another speech on April 18, 1952 while addressing a mammoth public meeting at Hazratbal, he said that Kashmiris in no way were prepared to renounce their cherished ideology in furtherance of which they had afford blood and sweat during the two decades. He further added that Kashmir had acceded to India in respect of only three subjects-Defence, External Affairs and communications and that they enjoyed complete freedom in their internal affairs and had the right to shape their destiny according to the wishes of the people". In another speech at Hazaratbal on April 25, 1952 he, while discussing Indo-Kashmir relations, pointed out that the whole world was aware of their policy that the consembly would decide three important issues-framing of constitution, the future of the ruling dynasty and the

accession of the State⁶⁶.

These speeches caused an uproar in some parts of the state and the Indian press and the public opinion was also much agitated.

Meanwhile, the constituent assembly unanimously pass the following resolution adopting a new flag for the state replacing the Dogra flag, on June 7th 1952⁶⁷:-

"The flag of J&K State shall be rectangular in shape and red in colour with three equidistant vertical strips of equal width next to the staff and white plough in the middle with its handle facing the strips. The ratio of width to the length of flag shall be 2:3".

Sheikh Mohammad Akbar, one of the member of the consembly then recited the following poem of the Flag (A National song) in the House while all other members kept standing⁶⁸.
Sheikh Mohammad Akbar:

A NATIONAL SONG

"Let this Flag of Kashmir be unfurled.
The flag of our people,
Of young and old alike,
Of the strong and the non-violent,
And of our poor peasants
Whoever plough the land.

Let this flag be always flying
Over our valleys and our lakes,
Till the day of Judgement
Let it raise its proud head

May this Flag forever fly
Over the meadows and the mountain tops
Over pastures green and rushing streams
And limitless expense of land

May it ever fly over the houses of the poor
And adorn the mansions of the rich

Let this Flag be ever flying
In the four corners of this land
Till the day of judgement
Let this our symbol be

This red Flag of Kashmir,
This beloved flag of our,
And of our peasants too.
Which brings succour to the poor
And the down trodden
And gladdens every heart.

May it fly forever
In every nook and corner
Till the day of judgement,
May I behold Thee. ,

It also restricted the use of Union flag to formal occasion. Pt. Prem Nath Dogra in a statement said that the decision of the Constituent Assembly was narrow sighted and ill-conceived and reflected one party's ideology, that solely comprised the Kashmir consembly. He further added that the provocative decision of Constitutent Assembly had caused deep resentment throughout and particularly inthe province of Jammu⁶⁹. On the other hand an interim report recommending the abolition of hereditary monarch and the elected head of the state was presented to the consembly by the basic principles committee on June 10, 1952⁷⁰ and it was unanimously adopted on June 12, 1951 while condemning such decisions the Praja Parishad leaders pointed out that the people of the Jammu were being made to cry for self-determination, and that the will of the Kashmir

valley people could not be forced on the people living outside it⁷¹.

Pt. Prem Nath Dogra, the President of the All J&K Praja Parishad issued the following statement condemning the adoption of a new flag for the state as well as abrogating Monarchy in J&K State on 12.6.1952⁷²:-

STATEMENT ISSUED BY PT. PREMNATH DOGRA ON 12.6.1952
PRESIDENT PRAJA PARISHAD.

"Events are moving post haste in our state. Momentous decisions are being rushed through by the unrepresentative constituent assembly by Sh. Abdulla at Srinagar; The first instalment of which (State Flag) was dished out to us on Saturday the 7th of June 52 and the 2nd (Ruling Dynasty) is being presented to us on a platter of challenge in a day or so. In one breath of heated passion the C.A. was made to vote a New Red Flag in place of the time honoured State Flag and as a rival flag of Union of India to which we have acceded.

Sensing that such an unhappy step was being taken by N.C. constituent assembly, I apprised the President of Indian union, the Prime Minister of India and other top ranking political leaders in time and be sought them to intervene in the larger interests of the people, the State and the Union of India especially in view of the fact that Kashmir dispute was still pending with the security council and any incautious step taken or any undersirably measure adopted may not adversely affect our vital interests.

Since the provocative decisions of the C.A. have caused deep resentment throughout and particularly in the province of Jammu, I have summoned my Executive to meet on 14th and 15th of June to discuss the State Flag, the position of the Ruling Dynasty future relations of Jammu with the rest of State and other very important matters concerning the welfare of the country and its people as a whole.

In order that people of Jammu province may not give

shri Amas kshatriya prantik Sabha Jammu
had also resented these decisions and passed
resolutions against them, ~~the following telegrams~~
the copies of which were sent to Government of
India. ⁷³ The following telegrams based upon the
resolutions were also sent to the president
of India, Pt. Nehru, Dr. Rajendra Prasad, N. Gopal
Swami Ayyangar, Yuvraj Karam Singh, and
other top ranking political leaders of India
and prominent news papers ~~on~~ ⁷⁴ June 14, 1952.

any individual expression of resentment or take any step without due consideration as a mark of protest against such narrow sighted and ill conceived decisions of the one party constituent assembly or the irritating speeches of its members (which are infallibly relayed on the govt. Radio of Kashmir) I appeal to all my countrymen to remain quiet and await the instructions of the P.P.Executive".

Jammu

12.6.1952

sd/ Prem Nath Dogra

President,

All J&K Praja Parishad.

In a 22 point memorandum submitted to the then President of India, Pt. Prem Nath Dogra, the President of the All J&K Praja Parishad on June 19, 1952 pointed out that recommendations to make Kashmir as an Autonomous Republic within Indian Republic with separate National Assembly, president and judiciary and subsequent speeches of Sheikh Mohammad Abdullah had made it clear that National Conference wanted a very loose relationship and not full accession like other part 'B' states⁷⁴.

The following telegrams had been send by the President Shri Amar Kashtriya Prantik Sabha Jammu to the Indian leaders on 14th June, 1952⁷⁵:

From the President, Shri Amar Kashtriya Prantik Sabha Jammu to the:

1. President Rajendraparsad Republic of India, New Delhi.
2. Premier Pandit Jawaharlal Nehru
3. Doctor Kelashnath Katju States Minister India
4. Defence Minister N.Gopalaswami Ayyanger
5. Shri Yuvraj Karansinghji of Kashmir Ambassador Hotel

and other top ranking political leaders of India and

prominent News Papers.

Two resolutions adopted by unrepresentative Sheikh Abdullah's Kashmir Constituent Assembly changing time honoured State flag and terminating hereditary monarchy prefaced by provocative speeches of the Premier and his colleagues are a challenge to the sacrifices gallantry and statesmanship of Dogras and Ruling House particularly Rajputs aaa Kashmir has acceded to India as Part B State and cannot adopt any separate Flag or frame any Constitution of its own under Indian Constitution aaa Kashmir Constitution Assembly is not Sovereign body like Constituent Assembly of India and is not competent to frame any constitution or adopt any resolution or pass any measure bringing it in direct conflict with Indian Constitution or accession of State to Indian Union aaa Maharajas Constitutional Sovereignty was never contemplated to be terminated by Government of India as is evident from Maharajas proclamation of 5th March 1948 and Yuvaraj Karan Singh's proclamation of 25th November 1949 and article 370 of Constitution of India not even by the resolution of National Conference dated 27th October 1950 foreworded by Honourable Pandit Jawaharlal nehru aaa Maharaja as Constitutional Ruler is a political necessity and a unifying link between different geographical and political units of State as held by Sir Owen Dixon aaa Terminating of hereditary monarchy tantamount to disintegration of State and a political suicide on part of Sheikh Abdullah when kashmir case till pending in Security Council especially in view of fact that it was Maharaja who acceded to India unreservedly thereby recognising alliance of State as part and parcel of India aaa Peoples of State particularly Dogras while fully alive

to democratic needs of present day consider adoption of resolutions as a challenge to their very existence, self respect and integrity of State and Pray intervention under article 366 and 370 of Constitution of India and request with drawl of two resolutions and also restraining Sheikh Abdullah from making any undignified speeches or passing any measures without ascertaining the will of political units of State and not self nominated Constituent assembly of Sheikh Abdullah".

see p. 72 → Pt. P.N. Dogra had made the following representations to Rajendra Prasad Ji, Rashtrapati, Indian Union on 19th June 1952⁷⁵:-

To,

1. Shree Dr. Rajendra Prasad Ji
Rashtrapati, Indian Union.
2. Shree Jawaherlal Ji Nehru,
The Hon'ble Prime Minister,
Indian Union.
3. Dr. Kailash Nath Katju,
The Hon'ble States Minister,
Indian Union.
New Delhi.

"May it please your Excellency,

The future of the *Jammu and Kashmir State*, particularly its relationship with India is a matter of vital and paramount importance to the people of the state. The people of Jammu are particularly anxious to ensure that their state becomes firmly and finally a permanent Unit of the Indian Union and are prepared to pay any price for it.

It was this anxiety to be one with the rest of India that induced the people of Jammu to offer their fullest cooperation to the Kashmir National Conference when powers of day to day administration were transferred to it by the Maharaja at the behest of the Government of India. This

was done in the hope that the leaders of the National Conference would overcome their past prejudices against the Dogras of Jammu and carry the whole people of the State with them to achieve the common goal of full accession to India.

But unfortunately Sheikh Abdullah's government not only failed to appreciate this cooperative spirit but even mistook it for a sign of weakness and adopted a policy of systematic deliberate discrimination and repression against the people of Jammu province generally and their representative body the Praja Parishad particularly. This responsive and discriminatory policy extends to all spheres of political, economic and cultural life of the people and even amounts to interference in their religious life.

In the first place the civil liberties of the people of Jammu, their freedom of speech and their right to participate in formulating and if necessary of criticising Government policies particularly those relating to the relationship of the state with India in a constitutional manner, have been completely denied and effectively curbed by frequent arbitrary use of section 50 of the Defence of Kashmir Rules, and the Public Security Act. Not content with this wholesale suppression, Abdullah's Government has started a regular campaign of harassment of the people by initiating general censorship of press post and telegram and introducing measures whereby the relatives of the Praja Parishad people are made liable to lose their appointments and pensions. There are cases where such steps have already been taken. As a result, the voice of the people, who are dissatisfied with the present policy of limited accession and want closer and complete union with India, has been completely gagged. Newspapers that dare criticise the Govt. have been suppressed and silenced. The Indian Newspapers that happened to be sympathetically

critical of the policies pursued by the Kashmir Govt. have been banned in the State. The President of the Praja Parishad and his co-workers have been repeatedly arrested and detained without trial for long periods. Recently, in February, this year, the student's agitation against the use of the party flag at a public function in place of the State Glaf was made an excuse to adopt repressive measures against the Praja Parishad and a veritable reign of terror was let loose on the people of Jammu. A number of its prominent workers were externed from the State. This has made the condition of the people much worse than it was even under the old autocratic regime. The people of Jammu and Kashmir have no fundamental rights and cannot approach even the Supreme court of India for protection.

In the educational sphere systematic efforts has been made during all these years to break the linguistic and cultural ties that bind the state with the rest of India. Hindi occupied an equal place with Urdu in the educational life of the State before accession. Now it has been completely relegated to the background. Urdu has been made the official language of the state and the medium of instruction in the schools. Even the Text Books meant for girls are full of difficult Persian and Arabic words which even the Teachers do not understand. Urdu has been made a compulsory subject for the Matriculation Examination. A sense of Kashmiri Nationalism, as distinct from Indian Nationalism, is sought to be created through the books prescribed for the school going children.

Among the seven men who constitute Text Book Committee of the State, there is not a single person belonging to Jammu or to the minority community.

A separate University for the few colleges of the state has been established entailing heavy burden on the state exchequer only to cut of the educational and cultural ties which a common University created between the students

of the State and of India. Even the examination papers are set with the object of creating anti-Dogra feeling in the examinees as will be clear from a perusal of English paper B, for the Intermediate Examination 1952 of the J&K University

In the administrative sphere, the party interest have been carefully nursed at the expense of merit, fairplay and the wider interests of the state. Recruitment to the services used to be made through open competition or on merit and seniority during the Maharaja's Regime. Now, the only qualification for winning or retaining a public office is party affiliation. Almost all the key posts are held by men from the Kashmir province. Sheikh Abdullah has publicly declared that he wants the party and the Government to be managed entirely by the same personnel, ignoring that this practice is followed in totalitarian states. Communalism, against which Sheikh Abdullah is fond of talking so loudly, is being practised so extensively in the state administration that notices advertising vacancies of Govt. posts sometimes clearly say that "only Mohammadans need apply".

The men in power in the state, judged from the policies they have been pursuing, seem to be determined to make the people of the state feel that they are being ruled from Srinagar. The Training College, which was started by the Maharaja's Govt. in Jammu, has been shifted to Srinagar, the Tosha-Khana, which contained all the valuables and curios of the state along with manuscripts lying in the Jammu library, have also been carried to Srinagar. It was planned to shift the State Press also from Jammu to Srinagar, but this has been postponed for the time being as the result of Public protest. Jammu enjoyed the status of a separate province with a separate Governor during the old regime. Now the separate entity of Jammu province has been destroyed by abolishing the governorship and lumping

together the District of Jammu and Kashmir under one Commissioner.

The territorial limits of the various administration units of the Jammu province have been altered with a view to the eventual partition of the province into Hindu and Muslim zones so that the Muslims may be in a position to act at the critical time to the detriment of India. The Udhampur District which had a clear Hindu majority and acted as direct link between Jammu and Ladakh, has been split up into two units. Its northern areas like Bhaderwah, Kistwar and Ramban, which contain most of the mineral and forest wealth of the state have been constituted into a separate Muslim majority district of Doda, which is intended eventually to be amalgamated with Kashmir. The minorities in the zone are being harassed and threatened to leave the illegal provocative speeches are being delivered by the National Conference leaders in the very presence of the police without any action being taken. Arms and ammunition is being manufactured and supplied to the members of the majority community. This district besides destroying the natural cohesion of the Jammu province has become a wedge separating Jammu from Ladakh. Similarly, Reasi district was split up and a new District of Rajouri Poonch created. The Tehsil of Reasi was a preponderant population of Hindus was joined with Udhampur and the remaining portion of Reasi District i.e. the Tehsil of Rajouri was joined with Muslim majority areas of Poonch. Further, with a view to extend this newly created District of Rajouri Poonch a portion of Reasi Tehsil in the West of River Chenab and certain Northern patwars of Akhnour Tehsil, which are predominantly Hindu areas are being separated to form a new Niabat of Sunderbani.

The motive underlying these measures becomes clear when we keep in view the treatment meted out to the thousands of Hindu and Sikh refugees, who emigrated from

the Pakistan held territories of the State. They want to settle in the State. There is enough room to settle them all. In Jammu district alone 7,04,914 kanals of evacuee land is available for settlement. But instead of allotting that land to the refugees it has been given to favourites on payment of five times the annual land revenue which amount is being credited to Muslim evacuees fund. The Govt. of India all this time has been spending crores of rupees on feeding these refugees, who are now being sent out to distant places like Bikaner and Bhopal against their wishes.

The law defining the term "State Subject" is being so interpreted as to prevent people of Indian domicile from settling in the State. But when it comes to Kazaks from Turkistan, all these laws are out aside and they have been given full naturalisation rights to settle in Kashmir valley. Similarly, lacs of Pakistanis have been allowed to infiltrate into the state during the last four years. They have been helped to settle down in the state.

The economic condition of the people of the State, particularly in Jammu and Ladakh, has greatly deteriorated during the last four and a half years. New taxes have been imposed and the existing ones enhanced from two to five times with the result, that their burden has become almost unbearable considering that the average income is about one half of that in the rest of India and the burden of taxation considerably much more. The Govt. control over the Transport and distribution of all articles of necessity is telling heavily on the people. The burden of exorbitant Customs duties *continues to shatter our economy*. A thing worth rupee one at Pathankot costs us between 37% to 50% above that price in the state. Within the State, Govt. monopolies have replaced private enterprise to the detriment of the consumer. The charges for transport of commodities to different parts of the State fixed by the Govt. are

much higher than the rates charged by the Private transporters. The scope for Private Transport has been practically eliminated by the establishment of the govt. Transport Dept. There is no free competition. Petrol which is derationed throughout India is controlled in the State. This has not benefited the people at all except perhaps a few families of the ruling party.

The people of Jammu foresaw the dangerous results of the Government policies quite early. The President of the Praja Parishad, brought these apprehensions and grievances also to the notice of the Government of India. We have undergone all this suffering in the hope that it will end with the complete accession of the State to India, when we will have all the benefits of Indian citizenship including the protection of fundamental rights which is guaranteed by the Indian constitution. But that hope has now begun to change into despair. When the elections to the constituent assembly for the state were ordered last year, we were given to understand that the constituent assembly would ratify the accession of the state to India. We, therefore, prepared ourselves to take part in the elections. But to our great disappointment, 41 out of 50 nomination papers of the Praja Parishad nominees were rejected on flimsy grounds and conditions were created through official pressure which made fair elections impossible. I appealed to Sheikh Abdullah as also to the government of India to hold an independent judicial inquiry into the wholesale rejection of nomination papers of the Praja parishad candidates and prevent Government servants from abusing their authority by helping actively the National conference candidates, so that the fears of the people regarding partiality of the elections may be allayed. But no heed was paid to our requests with the result that the Praja Parishad was forced to boycott the elections under protest. The constituent assembly is clearly a packed

body and consist of the nominees of single party. It is not a sovereign body. It does not represent the people of the state at all. The people of Jammu have no voice in it. Moreover, the representatives of the state in Indian Parliament are all nominees of this constituent assembly. Thus we have no representation in the Indian parliament either.

The announcement made by Mirza Afzal Beg, a member of the Basic Principles committee of the Kashmir constituent assembly, that Kashmir would be an autonomous Republic within the Indian Republic with a separate National Assembly President and Judiciary and the subsequent speeches of Sheikh Abdullah have made it clear that National Conference wants a very loose relationship with India and not full accession like other part B States. So our hope that redress will come to us through the application of the Indian constitution in its entirety to the state has been dashed to the ground. Our very existence as a self-respecting section of the Indian people is now in danger.

Further more the recent vital decisions made by the constituent assembly, regarding State Flag and termination of the ruling Dynasty, have caused deep resentment throughout the state and particularly in the province of Jammu. From this, it is evident that the things in the state are drifting towards the creation of an independent republic.

The whole sale condemnation of the heroes and founders of the state have greatly wounded the feelings of the people of the Jammu province which indicates that the people of Jammu province in general are looked upon by the party in power with contempt.

These circumstances have forced us to approach your honour with the request which may look drastic but which is the only alternative now left to us. Leaving out of consideration for the moment those parts of the State

which are now under the illegal occupation of Pakistan, the Indian held territory of the State is made up of three distinct regions namely, Jammu, Ladakh and Kashmir valley.

The people of each of these region, are a distinct people with a distinct language, culture and history and a definite territory. The Jammu region lies south of the Pir-panchal Range as far as the Cease Fire Line at Suchetgarh, and between Ravi and Jhelum Rivers in the East and West, and includes Doda and Padar areas. This Unit forms the core round which Maharaja Gulab Singh wove the present fabric of Jammu and Kashmir state.

We of Jammu claim the right to determine our future ourselves. Had Kashmir valley, the most populous region, held with us the view that the state should accede to India as one of its integral part like other part B states, we need not have made this demand. But now that we find that the state constituent assembly is taking decisions for the entire state in matters of fundamental importance to our future existence which run counter to our declared wishes and are detrimental to our interests and those of India as a Whole, we are constrained to approach you for the protection of our legitimate rights and interests. And whatever may be the views of the other regions of the state about their accession to India being limited only to a certain number of subjects, . We of Jammu province desire that we shall be united and integrated with India in the same manner as other part B states have been We claim that the people of Jammu province hold this view and that if necessary this can be ascertained and verified by any recognised democratic method through an agency independent of the present Kashmir Government. We are glad to note from the speeches of Shri Kaushak Bakola that Ladakh holds similar views and demands similar rights for that region. Sheikh Abdullah is also reported to have said in one of his speeches "If Jammu and Ladakh so desire,

they can decide to integrate with India and leave Kashmir valley free to have limited accession.

Being the descendants of those, who sacrificed their blood and resources to build up this great and integrated state, it was our desire, that the entire state including those parts which are still held by Pakistan should form like other part B states an integral part of the Republic of India to bring about that consolidation we are prepared, like our ancestors willingly and cheerfully to make the greatest sacrifices including that of life to reconquer for India what *rightfully belongs* to her and us. But till that happens, we cannot agree with Sheikh Abdullah that like Kashmir valley, we also should accede to our own *Motherland* with reservations.

Permits us in the end to request you to judge us and this our demand as coming from a people, who have always been and shall always remain Indian. That is our greatest pride. Imagine for a moment any other part of India whether in the East, West or South placed in that awkward predicament in which we are and then you will probably agree that the same demand would have been made by the people of that region. As children of India, it is but natural that we should resist any move to keep us away from our Motherland in howsoever a small degree. As it is attempted to keep us substantially out of India, we, therefore, want to make it clear that we shall not accept any such position. We want the entire constitution of India to apply to jammu. We want to have the protection of the Supreme court, we want to enjoy the fundamental rights as all Indians do, we want the same Flag as is allowed to Part B states and not the Red Flag now selected by Sheikh Abdullah and we want to be governed by the laws of the Indian Legislature. That may lies the future of Jammu and we feel it our patriotic duty to resist with all the strength at our command attempts from whatever quarter made to thwart the full accession of

Jammu with India".

Dated Jammu, the 19th June, 1952.

Yours faithfully,
Prem Nath Dogra
President,

All J&K Praja Parishad Hqs. Jammu.

Pt. Prem Nath Dogra then left for Delhi to meet Pt. J.L.Nehru to apprise him the new situation created in the State⁷⁶. A campaign was then started throughout Jammu province to get 5 lacs of signature in support of the memorandum to the President of India⁷⁷.

Shri Amar Kshatriya Prantik Sabha, Jammu also resented these decisions and passed resolutions against them the copies of which were sent to Government of India⁷⁸. + + +

Praja Parishad leadership declared its opposition to separate head of the State (i.e. S-I-R), a separate flag for J&K keeping alive a feeling of separatism which would endanger future safety and security of India. The party, therefore, considered it essential that the State should be brought fully under the Constitution of India. 'Ek Desh Mein do Vidhan-In one country two constitutions; Ek Desh Mein do vidhan-In one country two constitutions; Ek Desh Mein Do Nishan-In one country two flags: Ek Desh Mein Do Pradhan-In one country two Presidents Nahin Challengay Nahin Challengay-will not be tolerated...' became the battle cry of the party⁷⁹⁸¹.

Shri Ram Nath Balgotra- the then General Secretary of the All J&K Praja Parshid issued the following statement⁸⁰⁸²:-

"One constitution one flag and an anthem, these three constitute a "Nation", We, Indian, living in the State firmly believe that for the sake of Unity and Integrity

of the Nation, the above principle holds good and should not be deviated from at any cost.

The accession of the J&K State with the Indian Union being complete in all respects, it is but essential that the analogous contingencies should also follow simultaneously. After accession the State become an integral part of Bharat and hence the Indian Constitution should be applied in its entirety to the State. Any deviation from the principle encourages the separatist and fissiparous tendencies to cause disruption in the country. These forces are already active in the border areas of the country and the recognition of a separate constitution for the Kashmir state will tempt those forces to become more active and disturb the peace in the country.

It is also in the interest of the state and the people living therein that the Indian constitution should be applied in its entirety to the State. It besides other things ensures to the people living in India.

Justice: Social, Economic and Political:

Liberty of thoughts expression belief faith and

Equality of Status and Opportunity.

It least behaves to any faithful citizen living in India including Kashmir that he will deny any of those rights to the people living in any part of Bharat. We do not understand as to why these who talk of the States accession to India being hundred percent complete, still contemplate doubt and act upto enacting a separate constitution for the state. This will to the loosening the ties of unification of Kashmir with Bharat.

In certain circles there is a tendency to dismiss the

demand of the Praja Parishad as a problem for legalistic or academic dismissal and to ignore its human aspects, but those who have raised it are indeed about it. To them it is a matter of life and death and they are determined to persist in it regardless of the suffering and sacrifices which this course might entail for them.

It is pity that the central Government have enquired from the proper quarters why this is being made and how for it is justified. On the contrary they have been more responsive to the opposite demand of the National Conference leaders, which is to the effect that this state could have a special privileged status different from that of other Indian States. The wonder is that it has never occurred to the other side and a Central Govt. that, in the ---- but these demands be contradictory in their formulation and intent really spring from similar apprehension. But the fear of the Kashmiri leaders are wholly baseless, because admittedly they have received the most generous treatment from the Govt.. and the people of India during the last nine years. On the other hand the apprehension of the Jammu people are fully justified by the experience they have had of 'so called popular rule during same period. They have been reduced to the level of political untouchable in their homeland. Their genuine voice has been effectively shut out from the constituent Assembly. The government formed by the conference party is neither reasonable nor responsive, to Jammu people. The door of Government services are closed to them, and those already in services are being pushed back. The administrations corrupt and inefficient and it is difficult for common man to obtain redress in the ordinary course. Naturally the

Jammu people seek protection permission, which some of the Indian Constitution and some organs of the central authority might possibly afford them. But the Kashmiri leaders desire to retain both worlds. They demand autonomy for ---- in relation to the central authorities of the Indian Union and at the same time they stick to undiluted autonomy in the shape of an unalterable fixed majority in relation to the Jammu people. The fairness they should accord the same treatment to the latter as is demanded by them for themselves from the Indian Union. The legitimate demand of the Jammu people is ignored on the false plea that it is confined to reactionary, communalist and vested interest.

The problem that has arisen between Jammu and Kashmir is essentially the same problem as has emerged between the whole state and the Indian Union. And fortunately it is also the problem that the Indian constitution was devised to solve. Its wise framers were faced with the rival claims of competing elements in the body political and they arrived at a nice adjustment of those claims in the framework of that constitution. This nice balance adjustment makes it eminently fitted to provide a solution of the essentially human problem that faces us in this state. This is a strong reason why a solution of this problem should be attempted by applying the Indian constitution in its entirety to this state.

Viewed against the above background the unsatisfactory character of the said proposals becomes quite apparent, in as much as they disturb the nice balance of adjustments that the Indian Constitution in its entirety was intended to be.

The safeguards afforded in the Indian constitution are being denied to the people of the state. The jurisdiction of the Supreme Court, Election commissioner and Auditor General to the State is being purposely avoided. This has definitely raised doubts in the minds of those who advocate for the application of the entire constitution. If the Kashmiri leaders contemplate fears in the Indian Constitution, what safeguards do they hold out to their counterpart in the State. The past experience has given a bad taste and promises still worse in the future. The said provision in the draft State constitution with regard to the declaration of the organisation opposed to the draft as unlawful is undemocratic and amounts to enclaving the people and the Parishad will not be an idle spectator to it. We appeal to the democratic forces within and without the state to rise to the occasion and see that the danger to the country is awaited and the genuine, patriotic demand of the people of the Kashmir state for the application of the Indian Constitution to the State is conceded. We also appeal to the responsible both within and without the Government quarters in India to appreciate the feelings of the patriotic forces and to be vigilant to the farlical tactics of the disruptionists in the state".

The State constituent Assembly, however, could not get the ratification of the accession which Sheikh Abdullah thought was impolitic and inexpedient...without getting a prior reciprocal approval for the State's special status within the Indian Union which he felt was necessary to ensure that safety, security and well being of its Muslim Majority⁸¹₈₃.

In order to resolve the differences between the Centre

and the State an official deputation of Kashmiri leaders was summoned by Centre on June 12, 1952 which arrived on June 17, 1952 and held a series of discussions with the government in order to resolve the constitutional dead lock. Sheikh Mohammad Abdullah also joined them on July 17, 1952. Preliminary discussions were held from 12th June to 20th June, 1952, between the government of India and Kashmiri delegation headed by Mr. M.A. Beg. A further discussion took place between Pt. Nehru and Sheikh Abdullah from July 16 to 27, 1952. All this resulted in Delhi agreement, 1952⁸⁴.

Pt. Jawahar Lal Nehru, condemned the All J&K Parishad movement for States full integration to the Indian Republic and had praised Sheikh Abdullah and his party for their stand on Kashmir issued. But criticising Pt. J.L. Nehru's statement, The J&K Praja Parishad convention which was held in Jammu. After the convention the Praja Parishad issued the following statement⁸³⁸⁵:-

"This convention of the Jammu and Kashmir Praja Parishad deplore Shri Nehru Ji's statement concerning Kashmir, not merely because it ignores the true background of the situation, but also because it amounts to virtual surrender to the Separatist designs of the Abdullah party in Kashmir and utter disregard to the wishes of the people of Jammu and Ladakh as also of a considerable section of the people of Kashmir Valley.

The reference in the statement to the geographical significance of the State amounts to a misinterpretation of the facts of history and geography. Kashmir valley and Jammu have all through the ages been integral parts of India geographically, historically, culturally as also

economically.

The description of National Conference party of Kashmir as an offshoot of the Indian national Congress and as one guided by the ideals and objective of Gandhiji is fallacious and misleading in so much as the former began as "Muslim Conference" drawing inspirations from the stalwarts of Muslim League till 1939 when it converted itself into National conference. Even as National Conference it has remained mainly the Organisation of the Kashmir valley.

The acceptance of sh. Abdullah's demand for making his party flag as the State flag is indefensible and wholly unwise, because there can be only one flag in one country as the symbol of its unity and integrity. To describe the National Conference flag as symbol of the State people's political struggle is no argument for elevating it to the position of a state flag. If Kashmir is a constituent unit of India like any other, it cannot adopt any flag other than the Indian flag. Moreover, the people of Jammu have a strong sentiment against this flag. The other major demand regarding abolition of hereditary rule has been conceded. This convention feels that the policy of singling out the Maharaja of Kashmir, who is only a constitutional head now, to appease sh. Abdullah is impolitic and smacks of vindictiveness.

While these demands of Abdullah government to weaken the ties that bind India and Kashmir have been accepted, the popular demands for full application of the Indian Constitution to the State, particularly in respect of citizenship, fundamental rights, Supreme Court and financial integration have not been met. The agreement is either very vague in these matters, or has taken away in the shape

of exceptions what it seems to concede as a principle, for example while conceding in one breath that citizenship should be common, in an other breath the State Govt.. has been given the power to maintain invidious distinctions between different classes of the permanent residents of the State and of outailing the rights and privileges of other Indian citizens. Thus the Kashmir Govt. will be competent to bar the Indian Nationals from acquiring property or enjoying equal right in the State. This tantamounts to having a dual citizenship, which will militate against the unity of India and like the dual flag, might create a dangerous precedent for other states. The ulterior motives underlying these decisions are political and not social as has been alleged in some quarters.

The special provision that has been made to allow those people of the State who have gone to Pakistan to come back and regain citizenship of the State though appearing harmless on the face of it, has a dangerous import. So far, most of the Hindu evacuees from the Azad Kashmir areas have been denied the opportunities to settle within the State while those who had migrated to Pakistan and adopted Pakistani nationality are being encouraged and provided with facilities to come back and settle in the State. Even utter foreigners like Kazaks from Central Asia, who happen to be Muslims and could not, under the State laws, settle in the State have been given full naturalisation rights to settle in the Kashmir Valley. It is feared that steps might continue to be taken which might disturb drastically the present social and religious composition of the State population. This Convention,

therefore, urges upon the Government of India to see that Hindu Evacuees who are being sent to far off places outside the State like Bhopal and Bikaner are settled within the State. Those who have already settled in the State must not be dispossessed and uprooted again to resettle returning Muslims from Pakistan controlled areas. Unless and until the non liberated areas of the State are liberated, Muslims from Azad Kashmir and Pakistan should not be allowed to come. Even in regard to the fundamental rights two special reservations have been made, one concerning to land legislation and the other concerning the present "abnormal conditions" obtaining in the State". With regard to the first reservation the Convention feels that if this represents the considered policy of the Govt., of India the Indian Constitution should be amended accordingly and the Kashmir example adopted for the whole of India. In the reverse case the Kashmir Government should not be permitted to act in contravention of the Indian constitution so flagrantly.

In regard to Supreme Court, the Kashmir Govt. while accepting in principle its jurisdiction over Kashmir has postponed the final decision on the plea of working out the details. The vital question of financial integration has also been left over for further consideration. Even the powers of the President of India to declare emergency in case of internal disturbances has been made subject to the concurrence of the Govt. of the State. All this, the convention feels, reduces the scope and utility of the concessions made by the State Government, as is apparent from the recent speeches made by Sheikh Mohammad Abdullah and Mirza Mohd Afzal Beg. Sheikh Abdullah has got all that

he wanted, and the Agreement can hardly make the State people feel that they are part and parcel of India. Even in regard to the three subjects of defence, foreign affairs and communications the State has not yet acceded fully in practice, as a number of subjects coming under these heads, viz Radio, Telegraph and Telephone etc., according to government of India's own admission vide answers in parliament have not yet come under the control of the Centre.

This Convention is, therefore, convinced that the present Government of Jammu and Kashmir is trying to restrict the accession of the State to minimum possible limits in order to serve the vested interests of those in power, to the detriment of the larger interests of the people of the State as also of India. It condemns this attitude of the State government as basically communal and parochial which is bound to aggravate centrifugal forces within the State and without it. This convention therefore is of the opinion that the Nehru-Abdullah Agreement has not altered the situation to such extent as to warrant any change in the stand taken up by the Praja Parishad in its President's Memorandum to the Rashtrapati. The Conference reiterates that stand and demands that:-

1. The Muslims from Azad Kashmir of Pakistan should not be allowed to return and settle in the State until and unless the non liberated areas are liberated and non Muslims refugees from those areas are able to return to and settle in their ancestral homes.

2. The Hindu and Sikh refugees who have already settled here should not be dislodged and those still unsettled outside the State should be properly rehabilitated

in the State.

3. Pending that, the part of the State lying on Indian side of the Cease Fire Line should be fully integrated".

under — This agreement India agreed and reiterated its solemn pledge to give the State a special status in its constitution. This would guarantee complete internal autonomy to the State. The hereditary ruler was to be replaced by an elected head of the State. The fundamental rights incorporated in the Indian Constitution were to be applied to the State, subject to the provision that they would not disturb the programme of land reforms. The jurisdiction of the Supreme Court was to be limited, as regards the State, to interstate disputes, fundamental rights and to matters of defence, foreign affairs and communications. The Union Government agreed to the State's retaining its own flag, but insisted that the supremacy of the National flag should be recognised. The power to reprieve or commute death sentences would belong to the President of India⁸⁶.

Pt. P.N. Dogra had issued the following statement on Sept, 28, 1952⁸⁷:-

I. "The attitude of the Praja Parishad with respect to the question of the elected Head of the state has been made unmistakably clear on several occasions, but attempts continued to be made in the interested quarters to misunderstand and misinterpret it, it therefore become necessary to clarify this attitude once again.

II. As the fundamental stand of the Praja Parishad is for the full land unqualified accession of the State to the Indian Union like other part B states, it

follows that we are in favour of the Ruler of the functioning as Raj Pramukh of the State as on other similar states. It follows also:

i. That we are opposed to the Head of the state, being appointed or removed at the behest (or, as it euphemistically called, on the recommendation) of the Kashmir Assembly which, consisting as it does merely of the nominees of the National Conference party of Kashmir represents no body else in the state and least of all in the Jammu province.

ii. We are opposed to the Head of the State being designated as, Saddar-i-Rayasat which means in English president of the State, because we think there should not be two President within the same Republic or Union of State.

iii. We are also opposed to the Head of the State being elected by the local legislature periodically for a number of years, because this will make him a plaything of local politics and a mere puppet of the unalterably fixed communal majority party in the Legislature.

III. The above explains the base attitude of the Praja Parishad towards this system, but there are a few other considerations which are also relevant to their questions, namely:-

i. The so-called Constituent Assembly of Kashmir being a creature of the Ruler and deriving from his whatever authority it possesses has no legal and constitutional power or moral justification for deciding the fate of that very Ruler.

ii. That the Instrument of Accession signed by maharaja Hari Singh as the legal Sovereign of the State, and by the

governor General of India, is in the nature of a solemn contract or treaty which cannot and should not be repudiated or modified unilaterally by one party to it, much less at the behest of an Assembly, which was never a party to it.

iii. That the present attitude of the National Conference Leaders towards the Ruler from whom they derived authority smacks of vindictive and communal bias and does not seem to be consistent with the best interest of Indian or of the State.

iv. That the spectacle of the Hon'ble President of the Indian Union, acting mechanically on the recommendations of an unrepresentative body in the matter of recognizing or removing the Head of the State, without regard to the merits or demerits fairness or unfairness, of the recommendations and without ascertaining the wishes of the elements unrepresented in the Assembly, will be highly unedifying and should not be presented to the world.

v. That it is unwise and inexpedient at this juncture to remove the one authority which has provided the sole unifying link for and has commanded the allegiance of the heterogeneous elements constituting the State of Jammu and Kashmir for more than a century.

vi. That it is unwise and inexpedient in the interest of the State as well as of India, to meet out a discriminatory treatment to the ruler of the State so long as Rajpramukhs continue in other States like Hyderabad".

Prem Nath Dogra

President

All J&K Praja Parishad Jammu.

The Praja Parishad was of the view that Nehru-Sheikh Accord (Delhi Agreement of 1950) was another surrender at

the alter of communal intransigence and separatism of Sheikh Mohammad Abdullah, a fraud on Indian people and an attack on Indian Constitution. Pt. Prem Nath dogra declared that Praja Parishad would launch a satya grah if the Agreement was enforced^{86 88}.

On other hand the inhabitants of Doda district too being much agitated and emphasized that as they had peculiar local problems and historically, geographically and culturally were quite different from their neighbouring unit, they could not in any way be attached with the cultural unit of Jammu. While stressing that they must be given the status of a separate cultural unit, they demanded the staste to be divided into as many as five cultural units-Kashmir, jammu, Poonch, Rajouri, Ladakh and Doda in the future constitutional set up of the State. Each such unit legally having equal status would enjoy autonomy in the conduct of their internal affairs including maintenance of law and order within their own limits^{87 89}.

There was a deep resentment in ladakh also and events had taken somewhat similar turn as in Jammu. Kushak Bakula, the Head Lama, voiced the feelings of the people of Ladakh when he declared that in the event of Kashmir drifting away from India the Ladakhis would break their connection with the State and merge with the Indian Union^{88 90}.

On the other hand the valley too was not calm. An opposition group Awami Conference under the leadership of Kh. Umar Bhat was allowed to come into existence within the ranks of National Conference. Pro Pak elements were also encouraged by happenings in Jammu and they demanded secession. The Nationalist group demanded maximum autonomy for the State. Regional sentiment helped to fragment popular

discontent and regional tension brought the regional cordiality to an end^{89 91}.

Criticising the Agreement in the Parliament Dr Shyama Prasad Mukerjee advocated Kashmir's complete integration with India or alternatively self-determination for Jammu and Ladakh^{90 92}.

Neither the Government of J&K nor the Governor of India paid any heed to the Praja Parishad demands. On the other hand Sheikh Abdullah at once gave effect to those provisions of Agreement of 1952 which symbolised the separation of the State from India. But no further action was taken by the State Government with regard to its other provisions particularly the transfer of Control of the State Telegraph and Telephone Departments to centre financial integration, application of fundamental rights, extension of jurisdiction of Supreme Court of India to the State. Sheikh Abdullah was, therefore, accused of ignoring those provisions of agreement which confirmed Kashmir's ties with India^{91 93}.

On the invitation from Dr. Karam Singh-The Regent of J&K State an All J&K Praja Parishad delegation met him at Srinagar and discuss with the issue of acceptance by him the office of elected head of the State. The following press note had been issued by the Parishad leadership after the meeting^{92 94}:-

"In response to an invitation from Shre Yuvaraj Bahadur a Praja Parishad delegation headed by Pandit Prem Nath Dogra met him at Srinagar and had a series of talks in an atmosphere of cordiality and understanding.

The issue of acceptance or rejection of office of Elected Head of the State was discussed. It being the

first chance in which Jammu people were invited for consultations, the Praja Parishad stand for full accession and application of the Indian Constitution, with particular reference to the dangerous implications of creating a Republic within Republic in having a separate flag separate constitution and Elected Headship was fully explained to him. The denial of civil liberties and fundamental rights, the unrepresentative character of the Constituent Assembly and reaction to the various issues arising out of Indo Kashmir agreement were also placed before him. The abolition of Hereditary Monarchy the only binding link between the different constituent units of the State was also a subject of discussion.

Shree Yuvaraj gave a patient hearing to all that the delegation had to say. He threw light on the various aspects of the situation and gave an analysis of some wider issues involved, with particular reference to the integrity of the state, the interests of the country at large and international situation.

The delegation after giving their best consideration to Shree Yuvaraj Jee's analysis of the situation and in view of the fact that it is considered imperative to approach the government of India in connection with the detrimental decisions of the Constituent Assembly feels that so long as the question of Maharaja's abdication or withdrawal of his recognition as Rajpramukh is not finally decided by the Government of India and till the new constitution for the State assumes a concrete shape it would be premature to give any definite opinion over this single issue of accepting or rejecting the office of the Head of the State by Shree Yuvaraj Bhadur".

However, monarchy was abolished and Dr. Yuvaraj Karan Singh was elected as first Sadar-i-Riyasat of J&K State^{93 95}.

The following was the view point of Praja Parishad on the issue of the J&K State accession to Indian Republic at the time of abolition of the Monarchy in the J&K^{94 96}:-

"Accession

In the turmoil that preceded the actual partition of the Mother Land into two parts and the creation of the State of Pakistan the Praja Parishad, keeping in view the logic of traditions and ideals of one Indian Nationhood and that the development and prosperity of the State is safe in the status joining with Bharat, decided and persuaded the then Government of the state to accede unconditionally to India. The events that followed fully endorsed the decision taken by the Praja Parishad and proved that there was no better alternative to it. The British plans to isolate us and to afford opportunity to Pakistan to subjugate us were upset when the Maharaja of Kashmir following the advice of Praja Parishad leaders acceded to Bharat. We hold no brief for monarchical institutions nor we stand for their retention any longer but the role of the ruler of Jammu and Kashmir in causing accession of the State to India by signing the instrument of accession must be appreciated.

The people of the State resisted the invaders with great heroism and sacrifice because they understood it very well that their future was intimately bound with Bharat which could ensure to them their tradition and ideal of National brotherhood.

The anti national forces in the State that had, all

along the national movement in the Bharat was going on, been playing a second fiddle in the hands of the British diplomats however kept themselves busy in the State. Some time they tried to find impossible and impracticable third alternative to the State's accession to Bharat at another they harped on the much condemned plan of Independence Kashmir raising opportunity for the Imperialist diplomats to muddle with the Kashmir problem and create difficulties in the solution. It was to strengthen such forces in the world that anti national forces in the state to undermine the oneness of the State with the rest of Bharat by seeking protection and privilege in the garb of article 370 in the Indian Constitution".

The Parishad viewed all these circumstances with great alarmed and saw the great danger involved in pursuing such alternatives which were weakening the ties of the State with the Bharat and thus endangering the peace and prosperity of the State. The privilege sought under article 370 of the Indian Constitution was being exploited for the interest of mischievous imperialists forces of the world, when the Parishad condemned the retention of the article in the constitution of India and demanded its detention. The Parishad felt it and made it explicitly clear that article 370 will afford the privileged politicians of the state accession to endanger the integrity of Bharat and to undermine a challenge the experiment of secular democracy being practiced in the country.

A flag, a constitution and an anthem these three sum up a nation has been challenged by those who profess to be the only nationals in the State. Indians are not one nation but different nations is their concept a step

further to strengthen the machinations of the British Imperialists diplomacy in Bharat. A separate flag, a separate President a separate Constitution and the manipulation of territorial areas with a purpose are not re-assuming evidence of the non-communal working of the administration of the State. The spirit behind as it has been working in the State for the last 7 years was turning the State into a citadel of Imperialist intrigues. The Praja Parishad felt it and to undo the effort of the administrators of Kashmir to weaken the firm and unbreakable ties with India started a movement to decide the issue once for all and to get redress to the economically oppressed and politically suppressed people of the state. Much of the dangers that were a head both for the people of the State and the rest of Bharat have been eliminated because of the suffering, faults and tortures borne by the people of the state and that of Bharat at the call of Praja Parishad. The Supreme sacrifice of late Dr. S.P. Mukerjee to uphold the cause of Praja Parishad has cemented the ties of the state with Bharat.

The Parishad feels that some forces in the state are still thinking of limited accession of the State with Bharat. Parishad is convinced that complete accession cannot be restricted or limited. In the present circumstances there can be a no peaceful and honourable life for the people of the state in the State. The jurisdiction and power of the Supreme Court have been curtailed to prevent effective enforcement of fundamental and other rights and full control over the State High Court regarding the appointment and removal of its judges differently than the rest of Bharat has been retained in

order that the local judiciary may not become truly independent and embarrass the Executive authorities.

Govt. spokesman in the State are intermingling Integration of the State with Bharat with that of merger of the State with Bharat. Parishad knows the differences and they have all along been fighting for the complete Integration of the State with Bharat like all other 'B' class state.

The General Council of Praja Parishad re-liberates their stand and resolves that limited accession will not ensure to the people of the State what they have been striving for and a full and complete accession with its implications can only create a sense of peace harmony and security in the State. It will also put an end to the off repeated intrigues of foreign diplomats in the state. It will also maintain the nice balance of adjustment in the Indian Constitution.

66 The people of Jammu had a number of grievances against the then State Government. These were as under ⁹⁵⁻⁹⁷ :-

Grievances of the People of Jammu

1. The Prime Minister of Kashmir, Sheikh Mohammad Abdullah was an absolute stranger, a communal valley based leader who had "failed to win the confidence of the people of Jammu".

2. He (the Sheikh) wielded unrestricted powers with arrogance and that his administration was reflection of administrative corruption and political high-handedness which "began to percolate outside the State".

3. The special status given to Jammu and Kashmir State under Article 370 of the Indian Constitution kept

under temporary provision was not acceptable to the Sheikh without giving the Article a permanent place in the said Constitution. But it was not accepted in the light of the fact of the limited accession of the State. Article became an anathema to the Hindus of Jammu who began to seek its abrogation from its very birth.

4. The Jammu Hindus also charged the people's Government with the allegation that the money flooded into the State from the Centre was utilized in the development of the valley and very little was spent in Jammu.

5. His demand for Independent Kashmir was also a reaction to growing Hindu chauvinism in India and Jammu.

6. Sheikh Abdullah was characterised as a rapid communist even by Nehru.

"Communism was a disease with him and he would never get rid of it, and his entire outlook and behaviour was based on the fact that Kashmir valley had a Muslim majority".

7. Valley based leadership had always remained a frog in the well with its narrow local nationalistic outlook. It could not extend its influence to other parts of the State. It had generated regionalism in all the three units of the State, Jammu, Kashmir and Ladakh and as such it failed to democratise the political structure of the State, safeguard the rights of the people therein as well as ensuring impartial administration of justice and guarantee them some sort of autonomy.

8. By the New Kashmir Plan of planned economy, the people of Jammu and the Kashmiri pandits were "The hardest materially as well as psychologically by Sheikh Abdullah's Plan".

9. Under New Kashmir scheme of abolition of landlordism by giving land to tillers and of forming cooperative associations, the Sheikh's Government first abolished the landlordism in April 1948. On July 13, 1950 the Government introduced land reforms in the entire State. The abolition of Big Landed Estates Act, 1950 made individual holding of more than 182 kanals illegal. The landlord was not allowed to keep more than 160 kanals. of agriculture land, 8 kanals of land for vegetable gardens, 4 kanals of residential site and 10 kanals of orchards. The rest of the land was to be transferred to the actual tiller with proprietary rights. The abolition of the landlordism was done without compensation.

The main complaint of the minorities was that majority of the landlords and the Sahukars were Hindus to whom no compensation was paid. Besides, when the law was put to operation, it was found that most of the distributable land had already been allotted to non-deserving people. Thus one of the reasons for resentment among the Hindus against the Government was the abolition of landlordism done with the spirit of communalism.

10. It was also said that in spite of the generous flow of money into the State from the Government of India, the State had not been registering an advance in its economic growth with the result that due to constant strains and pressures, the government found itself incapable of tackling issues. Its net result was discontent and crisis.

11. The Jammu people, it has been said, were deprived politically and economically. They were denied their due share either in the power structure or in the economic reforms. As a deprived section, all the Hindus were

concentrated in Jammu province which became the centre of protest.

12. The demand for plebiscite voiced by the Sheikh in his public speeches, as promised by the Government of India and according to the United Nations' Resolution, was feared by the people of Jammu and Ladakh. The very idea of plebiscite hung like a sword of Demorles over their heads. They feared that the plebiscite, if allowed, would be in favour of Pakistan which they would at no cost agree to accept. The transfer of power from Jammu based Dogra house to the Valley based National Conference, headed by Sheikh, and his majority of coreligionists through democratically constituted could never be tolerated by the Hindus of Jammu Province who used to be always loyal to their rulers. They saw in the new shift a reversed regional power imbalance which generated in them a psychological vacuum to be filled only when the Sheikh could be removed.

13. The above factors were the root cause of the turmoil which disturbed the Jammu province from the very beginning since in the Parliamentary democracy, the rule of the majority prevails. It naturally went in favour of the Muslim majority population of the State which the Hindus had been fearing from the very beginning of the freedom struggle. In order to regain their erstwhile position now under the patronage and with the support of Hindu, India and also the Central Government, the Jammu people began, on one or the other pretext, to protest against what they called the Muslim dominance and tyranny. For this purpose they adopted the course of Hindu Chauvinism in the State. They, in fact, generated the regionalism in

the State. The State after 1947 was faced with regional tensions which was the cause of secessionism in the valley. Both these trends, the Hindu chauvinism and the Muslim sentiments which manifested 'mutual adjustment' and formed a process of cumulative chain reactions.

14. In his interview to Davidson, the Sheikh advocated for an Independent Kashmir. "And, thanks to our Prime Minister, the Constituent Assembly, has already made Kashmir Independent through Article 370, which gives all powers regarding the State of Jammu and Kashmir to the Constituent Assembly of the State and the present cabinet and the President of Indian Republic will have no powers at all".

15. The Sheikh had declared July 13 as the official "Martyras Day" all over the State, which the Hindus could never accept as such because for them "the Mohammanadan agitation in Kashmir could not have flourished in the State and there would have been no Muslim Conference which was later named the "National Conference", led by Sheikh Mohammad Abdullah, who continues to be even today the Communist leader that he was in July, 1931.

16. The condition of the minorities in Kashmir was so better, if not worse, than that in Pakistan; only the methods employed were much more sinister.

17. The minority community had been deprived of all their professions or jobs or sources of income under one pretext or the other and everything was done in the name of New Kashmir.

18. As regards the Government services, the Sheikh's administration had totally changed the criterion of merit and efficiency required for the appointment and new promotions and appointments had been made indiscriminately

without any criterion.

19. As regards the land, the share of landlords in the produce had been reduce from one half to one fourth. But this too was not allowed to be given to landlords of the minority community by National Conference workers. Even those Hindu landlords who used to cultivate their lands themselves were no longer allowed to do it. Many fruit gardens belonging to minority community were brought to the ground. This led a large population to starvation and then to death.

20. As regards trade, since most of the important commodities had been converted into state monopolies and under control and those few things that were not under control would be freely imported to jammu from where under system of priorities the members of the majority community could have permits very easily and only those Hindus could get permits who became a party to mechanisation of those who ran the entire supplies and transport departments. Also under the system of nationalised transport only those Hindus could get their goods transported who could manage things with power that be. 27

In this context the All J&K Praja Parishad had, however, adopted the following eight point programme for the acceptance otherwise they were to perform satyagrah^{96 98} :-

Eight point programme of the All J&K Prajaparshid

1. "Full integration of the State into the Indian Union;
2. If there was to be a limited accession of Kashmir then Jammu and Ladakh should be permitted to integrated fully;
3. The Indian Constitution to be applied to the

State in full;

4. The Supreme Court of India to have a full jurisdiction;

5. The Constituent Assembly to be re-elected in fair election;

6. The custom barriers between Kashmir and India to be eliminated;

7. Kashmir to adhere to the same 'The State, Central and concurrent lists of subjects as the other Indian States: and

8. The charges of corruptions against the State regime to be investigated by an impartial Tribunal".

then Pandit Premnath Dogra, President, All Jammu and Kashmir Praja Parishad, had²⁷ issued the following statement:-

"In view of somewhat conflicting reports that are appearing in the press in Jammu as well as outside the State, it has become necessary to issue an authoritative version regarding the future line of action of the Praja Parishad."

"There should remain no ambiguity about our grievances and apprehensions arising out of the various policies and programmes of the present party in power and our solutions to the knotty problems confronting our state.s They have been clearly explained in the Memorandum that we have recently submitted to the President of India".

"We want complete acession of the whole state with India. But if Kashmiri leaders continue to insist on limited accesxsion, we want Jammu to be integrated with india in the manner of other part B class states. again, if any body has doubt about the representative character of the Parishad, we are prepared to get this view ascertained

and verified by any recognised democratic method through an agency independent of the Abdullah Government".

"We have every hope that our labours in bringing home the truth of our demands will bear fruit. If, however, unfortunately justice is denied to us, we shall not sit idle. To meet that eventuality preparations we already underway for holding a convention of Praja Parishad within next fortnight that will decide the party's future line of action."

"A word about the possibility of a Quit Jammu struggle. There are elements in the Praja Parishad much disgusted as they are with recent decisions of the Kashmir constituent assembly, who do feel that way. I cannot commit Praja Parishad to their view, nor do I know what the mind of the proposed Convention is going to be. It is, however, clear that our demand for the separation of Jammu from Kashmir under certain conditions virtually already does not mean very different from any Quit Jammu movement".

The recent happenings in the state of J&K, culminating in the installation of the Saddar-i-Reasat, at the bidding of the political party whose nominees call themselves "The Constituent Assembly" of the State although they really represent no body, have shocked the conscience of the people. They reveal utter disregard of the feelings, wishes and interests of the people, and also of the repeated warnings of the Praja Parishad.

The sufferings of the people which began with the tribal invasion in 1947 have been aggravated by the inefficiency, corruption, abuse of authority, and bias communal as well as provincial, on the part of the party in power.

That the patience of the people has been exhausted was clearly revealed when they observed a complete voluntary Hartal and hoisted Indian Union Flag on their buildings in Jammu city and out lying districts on November, 17, 1952, just when the Kashmir Government party flag was unfurled over the state forts and the Saddle Peak was installed at Srinagar. This spontaneous demonstration amounts to condemnation of the Government policy and vindication of the Praja Parishad stand.

Being anxious and desirous that this resentment should not translate itself into violence, the Praja Parishad is driven to the necessity of directing it along the lines laid down by Mahatma Gandhi Ji in his historic struggle for Indian independence. Unfortunately, all constitutional methods of ventilation of grievances are denied to the people of the state, because the freedom of press and platform has been completely suppressed and all political activity has been stifled in state. In these circumstances the only weapon available to the oppressed people is that of non violent "Satyagraha" which has already shaped the destiny of India. We are driven to this step by sheer frustration, because all our protests, representations and warnings have been utterly disregarded during the last five years.

We reiterate for the millionth time that the fundamental and solitary demand of the Praja Parishad is for a full and unqualified accession of the whole state to the Indian Union like other part "B" states. It follows from the basic stand that we are in favour of every step that brings us nearer this objective, and that we are opposed to every measure that leads to the opposite direction. The

flying of the Indian Union Flag over buildings in Jammu on November 17, 1952 in preference to the separate Government party flag which was unfurled over the forts on that date, is symbolic of our desire to have complete union with India. A separate flag, a separate President or Saddar and a separate constitution for our state are steps that will lead us in a direction opposite to that of our objective of complete and unqualified accession. We are found, therefore, to oppose all such measures. We believe that the people of the state are behind us in this desire and that the present trend of Kashmir Government policy is highly dangerous not only for this state but also for the whole of India.

Nothing good and great was ever achieved without sacrifice. With faith in our ideal and enmity towards none, we are willing and prepared to make all necessary sacrifices and to show by our sufferings that we deserve what we desire.

The working Committee of the Praja Parishad has already authorised their President to take whatever action he deems proper and necessary to take in the present emergency for the purpose of achieving our objective. he now appoints and nominate Shri Durga Dass Verma, General Secretary of the Praja Parishad, to organise and carry on the campaign of "Satyagraha" with the direction that violence should be entirely avoided throughout the campaign and that the methods adopted should be legitimate, proper and effectively conducive to the ideal and objective of the Praja Parishad. He will remain in vested with this responsibility untill otherwise directed by the President or the working committee".

during Pt. Prem Nath Dogra and Dr. S.P. Mukerjee met at Jullunder Punjab Jana Sangh session on November 8, 1952 and discussed the Plan for the Satyagrah. ⁹⁸

Meanwhile the Emblem Committee report had been submitted to the Kashmir Consenbly on Nov. 12, 1952 for consideration. Sheikh Mohammad Abdullah then said that ⁹⁹ ¹⁰⁰:

"The Emblem of the State of J&K shall be shield like figure with three equidistant horizontal strips and a lotus in full bloom on its top with two ploughs facing each other around its edges, the whole surrounded by two ears of corn with the inscription 'Jammu and Kashmir' at its bottom as per design; ¹⁰¹

The resolution was put to vote and was adopted unanimously on the same day i.e. Nov 12, 1952 ¹⁰⁰ ¹⁰¹.

The following resolutions were then passed by Shri Amar Kashtriya Prantik Sabha Jammu, the copies of which were sent to the President of Indian Republic: ¹⁰¹

RESOLUTIONS

"Under the leadership of Sheikh Mohammad Abdullah, the bogus Consenbly has quite contrary to expectations and assurances of Hon'ble Prime Minister of India and government of India, manoured to misuse the Session of Consenbly to hurry through two basic resolutions whereby under heated passion of revenge and long cherished personal spite and prejudices, the State Emblem has been changed and contrary to the implications of constitutional alliance between the State and the Indian Union. When the former has acceded to the latter and the hereditary monarhas been terminated contrary to all cannon of constitution

and procedure thus throwing a challenge to the Constitution of India itself. The speech of Sheikh Mohammad Abdullah made on the introduction of his resolutions is fabrication of lies and is Gall and Wormwood and full of venomous abuse and recriminations against not only Maharaja Harisingh Ji and the House of Maharaja Gulab Singh, but against Dogras and Rajputs in particular. It is a known fact of History that Maharaja Gulab Singh Ruler of Jammu founded the State of Kashmir by conquests and thus brought under one unifying control different political entities which were made into one State of Jammu Kashmir. Sheikh Abdullah and his Cabinet are the creation of Maharaja Harisingh and the Constitution has come into existence at the word of Yuvaraj Karan Singh (a minor so it does not possess constitutional powers like Consenbly of India which on the termination of British rule framed a Constitution for the Union of India where as Sh.Abdulla's Consenbly was not competent so to frame without the Constitutional Head. Maharaja's consent, whose sovereignty exists, the adoption of these resolutions has created an intricate position vis-a-vis Union of India and its Constitution and has cause wide spread resentment in the people of State and the Dogras in particular. The Rajputs are quite alive to the moving spirit of the time and democratic needs of the present days, but what S.M.Abdullah has been doing past four and half years and what his nominated consenbly have done, has amply demonstrated the inner working of his biased mind. The Sabha after careful, thorough and due consideration surveying the several events since October 1947 upto date has come to the unavoidable conclusion that the attempt of Sheikh Abdullah and his Government has been

from the very beginning to wreak the vengeance on Rajputs in general and the Ruling House in particular.

To establish for personal end a Republic of State within the Republic of India, thereby dragging one State into a dishonestness to communistic ideology which no citizen of State can allow to shape. It is, therefore, hereby resolved, that since the two resolutions adopted by this bogus Consenbly are direct challenge to our self respect, rejection of Constitution of India altogether. We most respectfully appeal to the President of India to intervene and annul the resolutions adopted by the unrepresentative Kashmir Assembly and restore and maintain the integrity of state by continuing the hereditary monarchy as well as the flag so long as the latter is not replaced by the Constitutional decisions of Indian Parliament and treat the State of Jammu and Kashmir as full fledged part B State for all intents and purposes.

That in view of the behaviour of Sheikh Abdullah and his government and Consenbly the people of Jammu shall have to consider whether they can continue giving support to a Government that has struck at the very roots of unification and internal solidarity".

Sd/-

Sr. Amar Kashtriya Prantik Sabha Jammu Tawi.

Copy to the:

1. The Hon'ble President of India, Republic of Bharat, New Delhi.
2. The Hon'ble Prime Minister of India,
3. The Hon'ble Minister of States, Govt. of India.
4. The Hon'ble Defence Minister, Govt. of India.

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Pt. Prem nath Dogra and Pt. Sham Lal Sharma were however, arrested on November 21, 1952 and the agitation started with following demands¹⁰³:-

- a. "To settle the issue of accession one for all without further leaving it to uncertain future;
- b. To make it certain as to when the Pak-held Kashmir was liberated;
- c. To clearly and categorically set the constitutional relationship between the State and the Centre with a view to ensuring the oneness of India at all costs and, as such, the right of citizenship, jurisdiction of Supreme Court and of the functions of High Court, power of the President, National Planning and financial integration are give a final shape in the relationships; and
- d. To investigate by appointing an impartial commission the grievances of the people of Jammu regarding their economic advancement, employment, rehabilitation, division of border districts on communal lines".

L.Durga Dass Verma, however issued following appeal to journalists all over India to give a coverage to the Praja Parishad movement in J&K State¹⁰⁴:-

AN APPEAL TO JOURNALISTS ALL OVER BHARAT BY
L.DURGA DAS VERMA
GENERAL SECRETARY
ALL JAMMU AND KASHMIR PRAJA PARISHAD, JAMMU

Dear Friends,

"I address to you from that unfortunate part of the motherland which is engaged in a heroic fight against the tyrannical rule of one party dictatorship; the state of Jammu and Kashmir.

Even since our appearance on the political horizon of the State as an political opposition; to exercise necessary check and bring to public light all the omissions and commissions of the party - in - power for the healthy function of the Democratic order of the state; we have made an ceaseless endeavour to justify our existence as such.

Apart from the fact that in discharge of our democratic duty to establish stable and clean political life in the state the expected, essential Government cooperation was never extended, our demands and suggestions never cared for, repeated warnings not heeded to'; and above all we were never taken in the confidence as entitled to by virtue of being the only opposition in the state over the issue of accession, etc. which we genuinely feel effecting our very existence. In view of the bitter experience which we have had during the last so many years of our struggle with the National Conference, we are convinced that even the slightest support to it from howsoever an unimportant quarter in all probability will prove disastrous and endanger the security as also the integrity of the country at large.

In order to give a fresh repetition to what we have ventured to declare millions of times before, I reiterate it once more with full emphasis at my command; that no amount of suppression or humiliation can deter us in our path and compel us to compromise our stand. We cherish for a speedy integration with Bharat like other part B state and aspire to enjoy the fundamental rights of the Indian Constitution as guaranteed and safeguarded by the august Supreme court of India.

Our only crime is that we have exposed the political intrigue in its nakedness, which Sheikh Abdullah and his lieutenants wanted to conceal in a very deceitful manner from those poor Indians, on whose blood and tail he has erected this fraudulent mansion. The present advantageous position that Sheikh Abdullah enjoys, let me tell you, friends; is the accident of history and conspiracy of circumstances.

Try to understand this basic position of our movement before passing any verdict over it.

After having failed to crush the movement as claimed many a time quite egoistically by the executive authorities of the state they have furthered their undemocratic designs and served an unjust order over the local representative of the press agencies not to despatch any statement under my signature and that of our publicity secretary, so that the power mad ruler may get an free hand to suppress us without any knowledge to our brethren in India.

In all humility Friends, I appeal you to scrap this unjust undemocratic illegal order, accord due publicity to our despatches and statements and thus serve the cause of India, its unity and glory.

Should anti-Parishad accounts continue to appear in the press it will unfortunately hit hard and threaten Bharat's integrity. I believe, I am within right to expect a favourable response to my earnest and humble appeal".

Jai Bharat

sd/DURGA DASS VERMA

GENRAL SECRETARY

ALL JAMMU & KASHMIR PRAJA PARISHAD

Copy of the above forwarded to Editor Naya Samaj, Jammu for favour of perusal and publication.

Publicity Secretary

All Jammu & Kashmir Parja Parishad,
Jammu.

The following memorandum had been sent by Sh. Om Parkash Saraf the then Chairman P.S.P. J&K Jammu to Sadar-i-Riyasat J&K on November 25, 1952¹⁰⁵ :-

"A grave threat to democracy and civil liberties today exists in the Jammu and Kashmir State which will be evident from the following acts of omission and commission in the recent time on the part of the National Conference Government:

1. Continuation of the old strangulating press laws inconsistent with the present democratic times. Recent ban on anti communist weeklies "Apna Sansar" and "Naya Samaj" for an indefinite period without administering any prior warning even once, illustrates the ruthlessness of these laws.

2. Forcing newsmen to send statements even in the name of third parties. For instance, the three statements said to have been issued by the Srinagar citizens, one Mr. Makhdoomi and a student leader regarding assault on Shri Ashoka Mehta were personally delivered by the Prime Minister, Mr. Ghulam Mohd Bakshi, to the newsmen for onward despatch. Kashmir Information Bureau, New Delhi, also circulated similar statements in the name of Jammu citizens and the Jammu National Conference spokesman in the Delhi Press. The United Press of India is also being paid a handsome monthly amount of course not for nothing.

3. Dubbing Shri Jaya Parkash Narayan as an outsider

and the Praja Socialist as political swindlers which of course paled insignificance in view of the most most shameful broad day light violent attack on Shri Ashoka Mehta and other Indian socialists including a respectable lady in the busiest centre of Srinagar.

4. Beating of almost half of the members of the P.S.P. State Executive, along with Shri Asoka Mehta, in which incidents despite Premier Bakshi's promise of a thorough inquiry, only some junior policemen are holding a routine investigation although several high ups are involved.

5. Intensification of the reign of terror since assault on Shri Asoka Mehta, our Baramulla District organiser, Mr.. Mohd Subhan, was illegally detained while another worker, Mr. Shamas ud-Din was physically tortured. Citizens are being officially compelled to sign prepared statements "to save themselves the fate of Shri Asoka Mehta" Even members of the Assembly with a soft corner for the P.S.P. are being extremely harassed. The ruling party's official organ "The Khidmat wrote the other day that Shri Asoka Mehta's was "a warning" for other .It is now proved beyond doubt that the attack on Shri Asoka Mehta was engineered with a calculated view of demonstrate the determination of the men at the held of affairs to tolerate absolutely no physical existence of any opposition elements howsoever secular, democratic and progressive.

6. Miserable failure of the government to appreciate any reasonableness in any dissident voice at any time and always labelling it either as RSS or a Pakistani move. Thousands of tons of propaganda material of the enemy every day would not have done us the harm that the

totalitarian rulers of the State are actually doing by showing themselves as the monopolistic of nationalism and all others who do not approve some of their policies are the enemy agents. A Government breeding on such a fanaticism is a real danger to democracy and a progressive social change.

7. The use of government men, material and influence to achieve petty party ends in opposition to the most legitimate activities of any section of the public. Srinagar Deputy Commissioner was recently made a member of the National Conference Election Board in the Town Area election at Anantnag. Likewise, the Jammu traders are being persistently told that they can secure a reduction in the present octroi rates only if they 'get' 'rid of' Lala Girdhari Lal Anand as the President of the Jammu Chamber of Commerce who hold the socialist views.

Recruitment of services as well as promotions and punishments are also being motivated by party considerations. It is not without significance that your own declaration two years back regarding setting up of public services commission is still to be implemented.

8. Conceptions of internal autonomy as means to garb maximum autonomy for themselves alone refusing to decentralise it, rather using it to suppress the opposition elements. For instance, the exclusion of the State from the jurisdiction of the central audit does in no way add to the autonomy of the people but only empowers the State rulers to corrupt the people and strengthen the forces of totalitarianism.

9. Ever growing expenditure on the police and the publicity departments obviously to crush the people on

one hand and not only vigorously proclaim it just the otherwise on the other hand but also most rapidly spread all falsehoods in regard to the activities of the opposition elements.

10. Discountinuing popular cooperation even in the implementation of such useful schemes as the National Extension Service and the community Projects and making them altogether subservient to the party considerations several Block Development Officers hold important party offices and in fact their only job appears to be the party work.

11. Deliberate delay in completing the constitution making task and prolongation of the Constituent Assembly as the Legislature for which purpose it was never convened. It's indeed amusing to find that the no confidence vote has been passed by the State Assembly against four M.P's from the State without having any such constitutional right while refusing the same right of recall to the people of the State who have been persistently demanding an early election. Mention may also be made here of our municipal committees, elections to which have not been held for the last about sixteen years.

This is not all what, I feel, can be Legitimately said against the National Conference Government in the State. Nor am I unmindful of the crisis our land is passing through at present. I am, however, convinced that never was there a greater urgency than at present for all of us to respect the values of democracy and civil liberties-the subject of my today's interview. The efforts of the State Government to suppress and malign my party are regrettable to say the least. I am indeed little interested in making

any defence as such except expressing the belief that the policy and the programme of my party should always speak for itself. For your perusal and record I enclose the copies of the political resolution passed by us at our recent convention and the main speech by Shri Asoka mehta there. The state rulers are endeavouring hard to distort them and then exploit the distorted versions to mislead the people in believing something beyond facts.

The whole situations thus pregnant with far reaching repercussions and may sole purpose at the moment is to request you as the Head of the State to prevail upon the State Government to behave fairly and democratically".

sd/Om Parkash Saraf

Chairman

P.S.P.J&K Jammu

November 25, 1954.

G.M.Bakshi issued a statement criticising the policies of the All J&K Praja Parishad. L.Durga Dass Verma, the then General Secretary of the Parishad issued the following statement about Bakshi's comments ¹⁰⁶ :-

Dated 30th November, 1952.

"The November 29th, statement of Bakshi Gulam Mohammad, is deplorable. The accusations levelled against Parishad are a part of the old fraud of the present rulers of the State to mislead Indian Public opinion and secure support for the Republican Kashmir within Indian Union.

To say that Parishad movement "will only serve the interest of the enemies of State" and "weaken the State ties with India" is not only fantastic but beyond the understanding of every right thinking person. How contradictory and paradoxical, it is that the Government

of which Bakshi Gulam Mohammad is an important mouthpiece, while denouncing us as reactionaries, communalists and agents of Pakistan, simply because we have been incessantly clanning for the applications of the most secular constitution of the world, swears a hollow loyalty to the same constitution.

The fact is that the Government by lining us with communal forces of India and the Pro Pakistan block in the U.N.P.O. is simply harping on its old tune which we have buried long since. The present movement gives a lie direct to these charges.

The truth is that our life and death struggle for the last five years against the sinister designs of the party in power to keep the state independent of any Bhartya control, has fully exposed, its much talked of and so called pro Indian professions.

We challenge the assertions of the Deputy Prime Minister to the effect that the "State accession with India is complete" and that the Union flag shall enjoy the highest place of honour", If he is honest and sincere, he should prove his bonafides by accepting our new point of complete and unconditional accession with Bharat and the application of entire India's secular Constitution to the state or else stop levelling indecent charges, which have not even a grain of truth in them".

SD/Durga Dass Verma

General Secretary

All Jammu & Kashmir Praja Parishad,

Jammu

Even Indian Press particularly P.T.I. criticised the parishad movement. L.Durga Dass Verma, therefore, sent to

P.T.I. the following note¹⁰⁷ :-

Dated 1st December, 1952

To

.....

Sir,

"The Anti Democratic attitude adopted by the Government of Jammu and Kashmir is suppressing the national with India, like other integral parts of the Union, is too well known to need any further comment. But, the attitude of the Indian Press, particularly English which has constantly given prominence to the official version of the present movement of the Parishad, is highly unfortunate.

The P.T.I. special representative, who has been specially lodged by the Government in an palatial bungalow here in Jammu, is constantly endeavouring to paint the Parishad movement according to the dictates of the Press Information Bureau of the State. As a result, the whole responsible Press of India is mislead to the detriment of the country's interests as a whole.

The present struggle is nothing but an upsurge of the popular determination to effect the unconditional accession of the State with India and thus line its fate, with the rest of Bharat. The suffering and sacrifices that to have insisted, is, the result of the utter disregard and indifference to our aforesaid cherished desire on the part of Government of India, which is reserving no pains to boost up the sheikh Abdullah's fancying of the restricted accession, for reason best known to the Government of Bharat itself.

Should we feel helpless and thus yield to the recent sinister decision of the Kashmir Consenbly, which are in

exact concurrence with the Nehru-Abdullah pact, it will represent the greatest political blunder ever made in history by a self respecting nation. These decisions are equally a challenge to the Indian integrity and are likely to lead to the Balkinisation of India in course of time.

The present fight, is therefore, as much of Indians as it is of the unfortunate state people. So it is the patriotic duty of every Indian to extend all possible help to this struggle.

In all humility, I request you on the fair name of journalism to depict Praja Parishad movement in its true colours.

We are given to understand that your special correspondent is arriving here. In this connection, I fervently appeal you to instruct him not to remain Government guest, instead seek information from the General Public and read the pulse of the masses. This will be real service to the cause of Indian Unity".

Jai Bharat

sincerely Yours,
sd/(Dura Das Verma)
General Secretary

All Jammu & Kashmir Praja Parishad, Jammu.

Satyagrah was organised on the issue that Sheikh Mohammad Abdullah minimised the State in the name of secularism, that there was utilitarianism in the name of democracy; that Civil liberties had been crushed; that efforts were being made for carving out an independent Kashmir; that Delhi was a betrayal and that situation was developing into such a direction as would elevate the State to the status of a sovereign state, with its

independence guaranteed by the people's Republic of China and the USSR, besides India and Pakistan¹⁰⁸. The other issues raised up against Sheikh Abdullah related to the gerrymandering of Hindu majority areas for election purposes; making urdu compulsory subject for all, distribution of key posts among Muslims and sacrificing the interests of non-Muslims. The Sheikh Abdullah was, therefore charged with anti-national tendencies, taking away Kashmir from India¹⁰⁹. Even one of his cabinet Minister Sham Lal Saraf was encouraged to oppose Sheikh Abdullah for his making highly inflammable public speeches and for authoritarian attitude in the Cabinet. He resigned from the cabinet saying that "I hold my post as a trust from the people, especially the minority communities, to which I happen to belong, and it becomes my duty not to betray this trust at a moment of crisis"¹¹⁰.

The All J&K Praja Parishad, however, high lighted the problems of Jammu province and made following demands to the State Govt, in 1952¹¹¹:-

BASIC DEMANDS

1. "Constituent Assembly should pass a resolution for complete accession and application of Indian Constitution to the State.
2. Delhi Pact to be implemented as early as possible Jurisdiction of the Supreme court.
3. Abolition of Custom duties.
4. Financial Integration.
5. Abolition of Permit system.
6. Enquiry into the circumstances leading to the death of Dr. S.P.Mukerjee.
7. Five year plan for the State.

8. Jammu province to share equally in the Five Year Development Plan, and its implementation with our consultation.

9. Representation in the Parliament and Re-election in the State. At least by elections for Jammu province.

10. Abolition of Revenue Board-Corrupt and incapable partisans administering justice.

11. Praja Parishad must be taken into confidence in every matter to avoid controversies and contradictions and to inspire confidence and cooperative.

12. Police and Magistracy should be independent and impartial and free from undue influence of the Political parties especially the party in power.

13. Judiciary needs to be pulled to move more swiftly because justice delay is justice denied. Present state of affairs causing greatest inconvenience to the seekers of justice. Cases pending for years together in different courts.

PROBLEMS CONCERNING AGITATION

1. The cases pending against Parishad workers should be with drawn forthwith irrespective of the fact whether they pertain to alleged violence or not.

2. Appeals pending in Session courts-orders remitting sentences and fine to be passed.

3. Attached properties sold or lying in police thanas to be released. Properties auctioned to be restored to their owners.

4. Fines realized to be refunded and losses to be compensated.

5. Compensation to all political suffers including bereaved families of those killed in the firing and also

those injured and rendered incapable to earn.

6. All persons suspended, transferred, degraded and whose increments stopped, resignation accepted, should be restored to their actual positions. Numberdars suspended during agitations to be reinstated.

7. Disqualifications both in elections or services due to conviction in agitation should be removed.

8. All licenses cancelled to be restored, arms, transport, cloth.

9. An enquiry commission with a judge of some Indian High court to enquire into cases of excesses-loot, corruption and rape.

MISCELLANEOUS PROVINCIAL PROBLEMS

1. Panchayat system for the fair and cheap Justice be introduced. Village Numberdars and Zaildars to be elected.

2. Revenue Boards to be abolished immediately as men of ability and experience and that of representative character have not been included in them.

3. People settled on boarder areas to be given sufficient number of rifles and ammunition. Those who have been deprived of such rifles should be again supplied to protect there kith, kind and cattle.

4. Water tax to be reduced. Water works Machinery and Electric plants to be replaced by new machinery.

5. Irrigation tax which was increased 500 times in some cases and doubled in other cases by Abdullah regime be brought to the previous level.

6. Another B.T. College to be established in Jammu. This was originally started in Jammu college but later shifted to Srinagar without any justification.

7. Infiltrations be stopped once for ever.

8. Colleges in the District Towns like Kathua, Rajouri and Udhampur to be opened. One more should be started in Jammu.

9. Services, scholarships for higher studies to be given on merit. Public service commission to be established. Recruitment on consideration other than merit to be stopped.

10. Arms and ammunition distributed by Col. Adalat Khan Military Administrative in Doda District to Muslims to be taken back as it is not boarder area.

11. REFUGEES.

a. All women and children still in the hands of the enemy (Pakistan) be recovered. Speed so far adopted to be doubled to remove constant heart burning. Government level pressure to be exercised.

b. All refugees to be registered. Their claims to be scrutinized as has been done in India. They should be duly compensated and till that happens no rent be charged from them for the Evacuee property in their possession.

c. Widows and orphans to be educated. Works for them in the Work Centres to be provided to enable them to live an honourable life.

d. Invalid, old and destitute to be given cash doles and rations for the life time.

e. Non-Liberated area people to be rehabilitated in colonies and liberated area people to be given loans for constructions of their houses and for restarting their lives.

f. Jammu district border area people other than agriculturist be given arms and ammunition.

LOCAL AND INDIVIDUAL CASES CONCERNING AGITATION AND

OTHERS

1. Pension of Parishad leaders ..Pandit Prem Nath Dogra, Th. Dhananter Singh and Th. Raghunath Singh to be released forthwith.

2. Ban on the entry of Indian papers, Pratap, Hindu, organiser Hind Samachar and Vilap and on issue of Swedesh local paper to be removed.

3. Restriction on the entry of K.Vishno Gupta and Shri Mahesh Chandra to be removed.

4. Districts in original position to be restored and distribution of areas to be readjusted.

5. State Vrs. Bodh Raj and other pending in the court of Sub-Registrar Jammu and State Vrs. Natha Singh a case under section 28/32 Defence Rules pending in the court of Sub Judge Bhadarwah to be withdrawn.

6. Tawan-a sort of fine imposed on the people of Mathu Tehsil Akhnoor for the breach in the Canal rules amounting to Rs. 470/- to be remitted.

7. The property including Rs. 800/- in cash on automobile, two bicycles and other households equipment of Prof. Balraj Madhok confiscated in Srinagar during 1947 to be restored to the Professor.

8. Parishad Jeep and Command Car to be restored and compensated .

9. Th. Dhian Singh's dismissal.

10. Samba incident cases to be withdrawn and Bk. Naunihal to be reinstated.

11. Nala Kosh bridge Ramanagar case.

12. Bimla Koul-Ex-Head Mistress Udampur to be re-reinstated.

13. One Chajju Ram compositor of the Ranbir Govt. Press whose nomination papers was rejected simply on the

ground that his resignation was not accepted to be reinstated".

L. Durga Dass Verma, however, issued following statement on 26.1.1953¹¹³ :-

"Whereas I hesitated to react over the recent utterance of Pt. Nehru and Sheikh Abdullah as expect acknowledging "legitimate economic grievances of the Jammu people" the remarks passed and motives attributed by the two leaders to the existing mass unrest in the state showed little desire on their part to meet or consider the fundamental demand of the State people to be one with India's the political capital that certain opportunist have hastened to make out from these makes it imperative for me to express our view point unequivocally.

While we consider the timely reference to the deteriorating economic condition of the masses by so exalted a personality like Pt. Nehru, who has closely concerned himself with this unhappy affair, a step forward and that we are really heartened to note this welcome change in the Government of India's attitude; but the institution of an commission to go into the economic side of the causes of present discontent and to recommend ways and means for its removal, as suggested by some self-installed groups, is tantamount to the gross betrayal of the real urge of the people.

Ever since, in accomplishment of our cherished mission to effect the unconditional accession of the State with Bharat on the confidence of the unquestionable support of the masses, we have had to warn the struggling people not to be hoodwinked by such piecemeal manoeuvres of the ruling clique. In the context of present events it is my

Pt. Nehru and Sheikh Mohammad Abdullah vehemently criticised the policies and approach of the parishad leaders and dubbed them as Hindu Communalists¹¹²

considered opinion that the exceptional and disorganised mass-uprising has divided the fraudulent nucleus of the party in power. All encounters and shameless attempts to hither to employed without least regard for democratic decency to create dissensions in the united front, the masses have so eloquently staged, the rulers of the state in their vain attempt to divert and confuse the public mind have taken recourse to such undemocratic tactics. It is their last bid to foil the determined effort of the suffering millions.

Economic distress apart, the political dead lock between the people of Jammu and the party in power has reached a stage where these eye wash measures are likely to aggravate further to the tyrannical rule of one party dictatorship, we look upon them as part of the suffering people. The Government by resorting to such propaganda want to shift the outcome of its erroneous policies over us.

In all humility I call upon every Kashmiri, whenever he is to understand the true perspective of our life and death struggle launched for

1. Full and unconditional accession to India
2. Application of Indian constitution and Indian flag over the state.

Viewing on this plan there is nothing provincial or communal in it. Every patriot having faith in the Secular constitution of India must extend all possible to our movement. Mutual distrust at this juncture of our country is highly deplorable. There lies the salvation of the state".

sd/Durga Dass Verma
General Secretary

All Jammu & Kashmir Praja Parishad Jammu.

3/ The following was the full text of the statement issued by Durga Dass Verma on 30.1.1953 about the Commission of Police excesses¹¹⁴:-

"Facts have fully substantiated our allegation against the high handedness and all advised conduct of the police authorities. The continued and deliberate silence which the executive authorities have maintained confines our belief that these provocative measures have their approval. The irresponsible attitude of the police on 26th January 1953 must prove an eye opener into the alleged police excesses.

A detail programme to celebrate the republic day was chalk out by the Praja Parishad Flag hoisting ceremony was to take place in the main city square, the place where the different groups of parbhat pharies were to watch this solemn ceremony. As soon as the 1200 strong procession including near about 500 women raising slogan:

Ek Desh Main Dho Vidhan

Ek Desh Main dho Pardhan

Ek Desh Main Dho Nishan

Nahin challenge, Nahin Challenge,

Rajan Babu Jinda Badh, Mahatama Gandhi Amar Rahe, was made to sit in an most disciplined and organised manner to hear the message which I had issued on this historic day, the police party headed by an Inspector of Police arrive on the scene. Meanwhile the colourful salute by the wel-uniformal band to make the hoisting of the National Flag was over. A special dais made of bricks and well cemented had been created for the purpose in the preceding night of January 25th by the Parishad volunteers.

The police objected to the ceremony under the silly pretext that the traffic was obstructed and as such the people should disperse forth. The Parishad volunteers on spot argued that as the ceremony was to take place only a few minutes, the question of obstruction to the free movement of traffic did not arise. But the police authorities, who had arrived with a defeat motive to dishonour the national Flag and excite injury the public. The inspector instantly ordered a Lathi charge which resulted in serious injuries to seven persons including three women. As a protest the whole city immediately observed a half day strike, thus sending shame to the bureaucratic irresponsibility. The story of counter fires from the public and injuries to any of the police officers as announced by the Radio so shamelessly is an afterthought fabrication thus the sole responsibility of these untoward happening is the shoulders of the Government has all along encouraged police officers in these most uncalled for measures.

Jai Bharat.

Sd/ Durga Dass Verma,

General Secretary All J&K Prajaparishad.

The following is the statement issued by L. Durga Dass Verma on 1.2.1953¹¹⁵:-

"The timely admission of the "Legitimate grievances" of Jammu people by Sh. Jawaher Lal nehru in frank and unreserved terms roused hopes in us that this unequivocal announcement will be followed by some practical steps for their redress. Jammu people have been experiencing unprecedented difficulties both economic and political ever since Sheikh abdullah's rise to power. The treatment

meted out to Jammu people in all spheres of public administration and the taunting kicks to their just demands throughout years of Sheikh Sahib's reign is a woeful tale beyond the scope of this statement to be related. The people suffered and sacrificed their all and exercised tremendous restraint in giving vent to the omissions and commissions of the party-in-power, in one and only one hope that the state will finally be acceded to Bharat. In their ardent desire to pave the way for speedy accession without any reservations the people continued to extend the hand of cooperation in face of humiliating attitude of the National Conference leaders.

The designs which the party-in-power manipulated stand fully exposed today. On the basis of our apprehension our fragment demands and requests have never found a deserving appreciation even on patriotic grounds by the Government of India.

In view of this background and the self-manufactured constitutional impediments of Sheikh Abdullah which the latter is ceaselessly exploiting for in furtherance of his designs to keep the state independent of any Bharitya control: the acceptance of the "Legitimate grievances of the Jammu people" by Pt Nehru cheered up the frustrated masses, who have hitherto received callous indifference from him. We anxiously awaited some positive reaction to such a courageous remark of Pt. Nehru from the Kashmir Government. We earnestly looked forward that Government of India will take the initiative to consult half to the provocative, cruel and undemocratic measures of the Abdullah Government.

But the recent reply to these "legitimate grievances"

which Sheikh sahib has given in the course of a public speech in Delhi that he does not know what these grievances are, is ample evidence of the fact that in order to play his own game he can go to the length of contradicting even the Indian prime Minister. Such a categorical denial to the hard realities, as these words amount to, was least that well wishers of the state expected. Not only have these remarks injured the public feelings at large, but the magnitude of inhuman atrocities have also enhanced.

Apart from meeting the demands of the Jammu people which the Kashmir premier seems to reluctant to do we consider that Sheikh Abdullah has made awkward the position of Pt. Nehru. Should pt. Nehru be sincere to what he has uttered as we are sure he is, he must prevail upon the Kashmir National Conference leaders to see sense in the demand of Praja Parishad to acceded to India unconditionally.

So long as state does not accede to India fully and unconditionally, all hotch potch arrangements shall fail to pacify the Jammu province. In our considered opinion the legitimate grievances of the Jammu people are not likely to find amicable solution so long state is not made an integral part of the Union.

We wish speedy exploration of ways and means to and the present stalemate shall be taken in hand an hour of relief and tranquillity accorded to the people. In the end I congratulate Pt. Nehru for his bold remark and wish him to intervene directly in the matter".

Jai Bharat

sd/ Durga Dass Verma

General secretary

All Jammu & Kashmir Praja Parishad, Jammu.

The movement soon assumed, serious proportions and its repercussions were felt outside the State also. Anti-Kashmir feelings in Jammu developed anti-Muslims overtones, while anti-Jammu reactions in the valley tended to become anti-Hindu and hostile to rest of the country. By December, 1952, the whole of Jammu province was ablaze. The agitation had assumed formidable dimensions. The agitators were met with arrests and punishments, the Praja Parishad had full moral and material sympathy and support from Hindus all over the country. It had unflinching support of National parties like Jana Sangh, Ram Rajya Parishad, Hindu Maha Sabha and Akali Dal. The leaders of these parties even courted arrests in support of Praja Parishad's protest in Jammu. The Kashmir Nationalists and autonomists were of the view that the Praja Parishad agitation was basically an emotionally oriented disgruntlement against the valley based leadership in the State. They pointed out that from the very beginning of their freedom struggle, the Kashmiri leaders had never received an open minded and voluntary offered hand of cooperation from the Jammu Hindus. The Jammu Hindu mind was obsessed with the fear of Muslim majority in the event of Dogra rule was over. This obsession had never permitted them to accept the realities of time. They could not tolerate to see State government headed by Sheikh Abdullah whom they considered the archenemy of the Dogra ruler. The Parishad agitation was, therefore, essentially anti-Kashmiri anti-Muslim and anti-autonomous in its nature, character, aims and objectives¹¹⁶. The Kashmiri leadership said that the agitation was politically a originally oriented aspirations for the attainment of an identity separate and distinct from that of Kashmiri

identity, and at the same time, not having any appreciation for composite nationalism, a characteristic feature of India secular polity. They added that the separatist objective of the agitation was evident in its declaration to "put an end to Sheikh Abdullah and other workers of the National Conference. We shall sack their blood. We will root out this Government and send them to Kashmir. We do not like this Raj"¹¹⁷.

118 While contradicting the denial statement issued by the Kashmir Govt. regarding its attempt to carve out predominantly Muslim zones out of the areas which were non muslims in Jammu province, published in "Hindu" on 6th Feb, 1953, the All Jammu and Kashmir Praja Parishad issued following statement:-

"The denial statement of the Kashmir Government regarding its attempt to carve out prominently Muslim zones out of the areas which were over-helmingly non Muslim in Jammu province published in the "Hindu" dated 6th Feb. 1953, page 7 column 4, is nothing but prostitution of the facts. Their reason that the boundaries of some districts have been adjusted "as a result of 31,251 square miles of the State territory having been over run by the enemy upto the end of the period" is far from truth and not convincing. A casual study of the map enclosed herewith would clearly show what the Kashmir Government has so far done and what it further intends to do.

Immediately after the assumption of the power the present Government transferred 18 villages of Ramban Tehsil (District Udhampur) falling on the valley side of the Peer Panjal to Anantnag District. These both districts had not been effected by the enemy raiders at all. Similarly

some villages of Reasi District were joined with Anantnag District. No satisfied with that in Baisakh 2005 (April, 1948) one month after taking of the oath by the present interim Ministry the government split Udhampur District with 1,65,000 Hindus and 1,88,000 Muslims population into two districts and created a new district of Doda with the three tehsils of Ramban, Kishtwar and Bhadarwah with a population of 1,09,000 Muslims and 77,000 Hindus leaving behind Udhampur District with two tehsils of Udhampur and Ramnagar with a population of 88,000 Hindus and 20,000 Muslims. Thus old district of Udhampur, which was not raised by the enemy was divided into Muslim and non Muslim zones and this division facilitated Sir Owen Dixer to include "some adjacent territories" along with Kashmir valley for Plebiscite purposes. And is it not in the draft constitution the Kashmir Government to divide the state into four commissioners of Ladakh, Jammu (Excluding Doda and Rajouri Poonch), Kashmir valley (including Doda) and Rajouri Poonch. It would be interesting to note that Peer Panjal 10,000 feet high mountain near Banihal and at some places still higher separates valley from Doda District and remains unsurpassable for six months a year and all the necessary supplies of this new districts are imported from Jammu.

Reasi District had two tehsils of Reasi and Rajouri. The new regime has tagged Rajouri with Poonch and joined the Niabat of Naushera with it and thus created a new district of Rajouri and Poonch in which two lacs Muslims from across the cease Fire Line came after 1949 and have been rehabilitated there. This has also been inverted into a Muslim majority zone by adjustment of boundaries.

This fact of infiltration was disclosed by Sheikh Sahib in his statement in the Indian Parliament on 5th March, 1952. It was due to this unchecked policy of infiltration of the Kashmir Government that a District Magistrate of Rajouri Mr. Trilochan Dutt, who belonged to national Conference and who was erstwhile a private tutor and became a district Magistrate through the good wishes of the party bosses, resigned as a protest against it. Then the remaining portion of Reasi District i.e. Reasi Tehsil was joined with udhampur District making it a predominately Hindu majority District. The readjustment of the District in the valley has not been materially effected. Only a new district of Srinagar city has been created and the reconquered parts of Muzafarabad District have been joined to Baramulla District. The Hindu Sikh refugees of Muzafarabad and Baramulla Districts have been refused to be rehabilitated in the Kashmir valley. These Districts formed part of the valley and these refugees had a right to be rehabilitated in the valley. They demanded as such but were refused and they have been forcibly rehabilitated on the borders of Jammu without giving them any arms to defend themselves. This, in short, is the 'SECULAR' policy....."

Shri Ram Nath Balgotra had then sent following letter to 'Hindu Madras' on Feb 6, 1953¹¹⁸ :-

The Editor,

"Hindu"

Madras-2.

Dear Sir,

"I am very thankful to you for your Editorial in your

paper of 6th Feb. 1953 under the Heading "Jammu". Your editorial previously too of the 10th Jan. 1953 and April-June-July, 1952 have marked clear lining and vivid understand of the problem. But for the incorrect appreciation of the warning of able and far sighted independent editors like your self and Mr. Tushir Kanti Ghosh, editor "Amrita-Bazaar Patrola" Calcutta, the tragedies, of indiscriminate, unjust, and mad firings at various places in Jammu Province on unarmed for the leaders, Statement, and politicians of Bharat to bring pressure upon the Government of India to realise the gravity of the situation and try to solve the question dispassionately in consultation with the accredited leader of Praja Parishad, Pandit Prem Nath Ji dogra. Commissions appointed cannot bear any fruit unless the party aggrieved is not given a patient hearing which the people of Jammu least expect from the personnel of the commission announced earlier by the Kashmir Government.

I enclose herewith a statement to disclose the hollowness of Kashmir Government declaration regarding the adjustment of the boundaries of various districts that appeared in your paper of 6th Feb. 1953, on page 7 column 4, . I also enclose herewith the map of Jammu and Kashmir state and I hope that it will throw some light on the burning problem of the day for the guidance of your readers in particular and Indian public opinion in General".

Yours faithfully,

Sd/ R.N.Balgotra

Advocate

Publicity Secretary

All J&K PP, Jammu.

Dr. S.P.Mukerji, the then president of Bhartiya Jana

Sangh, entered into a long correspondence with Pt. Nehru and Sheikh Mohammad Abdullah but nothing substantial came out.

It was during these days that Dr. S.P.Mukerjee was authorised by his Jana Sangh party either to seek redressal of the grievances of the Jammu people or to launch a Satyagrah in Indian in support of the Praja Parishad agitation¹¹⁹.

In his presidential address at the Kanpur session of the Jana Sangh Dr. S.P.Mukerjee said:

"....We are often told that if there is any undue pressure for the application of the Indian Constitution to Jammu and Kashmir, the Muslim of Kashmir valley may break away from India this argument is totally intelligible. If our constitution had been so devised as to make Muslims feel nervous about their future fate or about possibility of their receiving equal treatment, one could have understood the force of the argument. When, however, that is not so, what can possibly be the ground for this hesitation?...Let me repeat and state categorically that I do not want Jammu and Kashmir to be partitioned. But if Sheikh Abdullah is adamant, Jammu and Ladakh must not be scarified but Kashmir valley may be a separate State within Indian Union receiving all the necessary subvention and being treated constitutionally in such a manner as sheikh Abdullah and his advisors may wish for ...¹²⁰"

Finally, Dr. S.P.Mukerjee in his letter to Pt. Nehru on February 17, 1953 which he had written to him in reply of his letter dated February 15, 1953, offered the following 10 point formula¹²¹ for his consideration as first step for the withdrawal of Parishad agitation:-

1. The movement is withdrawn.
2. Order for the release of Prisoners is given and there will be no victimisation.
3. You and Sheikh Abdullah call a conference, say, after a fortnight where all political and constitutional matters are discussed with an open mind.
4. Both parties reiterate that the unity of the State of J&K will be maintained and that the principle of autonomy will apply to the province of Jammu as a whole and of course also to Ladakh and Kashmir valley.
5. The new constitution to come into force as soon as possible and elections to take place within, say, six months.
6. Question of flag is to be clarified and Indian flag should be in use everyday just as is done in all other parts of India.
7. Implementation of the July agreement will be made at the next session of J&K Constituent Assembly after the issue left vague has been properly clarified. In respect of fundamental rights, citizenship, supreme court, president's powers, financial integration, conduct of elections, provisions of the Indian Constitution will apply. Exception, however, may be made with regard to conditions for acquisition of land.
8. The terms of reference of the commission of enquiry will be widened and all grievances will be examined by it.
9. The Commission now includes 4 persons, Chief Justice, Accountant General, Chief Conservator of Forests and Revenue Commissioner. The last three gentlemen are administrative officers under J&K State and they can hardly inspire confidence. The Commission should be reconstituted

with 2 judges from India and the Chief Justice of J&K so that its impartiality and representative character may not be questioned.

10. Regarding finality of accession and other political matters, the Conference will consider these points from every aspect and agreement sought to be reached which will be in the best interest of India including J&K".

Pt. Nehru, however, did not respond to Mukerjee's offer to withdraw the agitation. The Parishad agitation was growing in its intensity. There was a danger of the movement erupting into violence. In order to prevent it Dr. S.P. Mukerjee deputed Mr. Trivedi and Mr. Deshpanda to Jammu to exert their influence to prevent this. But they were refused permission to enter Jammu and Kashmir. Mukerjee, therefore, decided to go to Jammu himself without applying for a permit. He pointed out "Mr. Nehru has repeatedly declared that the accession of the State of Jammu and Kashmir has been hundred percent complete. Yet it is strange to find that one cannot enter the State without a previous permit from the Government of India. The permit is even granted to communists who are playing their usual role in Jammu and Kashmir, but entry is barred to those who think or act in terms of Indian Unity and nationhood. I do not think that the government of India is entitled to prevent entry into any part of the Indian Union which, according to Mr. Nehru himself, includes Jammu & Kashmir of course, if anyone violates the law after entering any State, he will have to face the consequences¹²²."

The following was Sheikh Abdullah's broadcast from Radio Kashmir Srinagar on April 18, 1953 granting autonomy

124 to the different cultural units of the State in the future constitution of J&K¹²³:-

"Broadcasting from Radio Kashmir Srinagar, last night the Kashmir Prime Minister, Sheikh Mohammad Abdullah said< "We have decided to give autonomy to the different cultural units of the State as will be provided in the Constitution that is being drawn up. This will remove all the fears of domination of one unit over the other and will make for the voluntary unity and consolidation of the people of the state".

Commenting on the recent events in Jammu the Prime Minister said that during the past few months some deplorable events had taken place which ran counter to the basic principles on which the edifices of the State was being reconstructed after the disturbances of 1947. The section of the Jammu population which had been misled by the internal and external communal agencies find their enthusiasm and emotions damped now and I am glad to find that the people of Jammu have begun to realise the grave consequences of the recent agitation. All right thinking people are expressing regret over all that has happened. This unpleasant state of affairs has not only disturbed the peace and order of the province, but has seriously affected their business activities. The money which would otherwise be spent on the betterment and the welfare of the people had to be spent to meet the expenditure incurred on putting down the disturbance.

The Prime Minister deeply regretted the loss of some lives and other casualties resulting from the action which the police were forced to take on certain occasions as also the casualties suffered by the Police and the

Magistracy. He regretted that these unhappy events should have taken place at a time when not only a democratic constitution for the State was being framed but also the Five year plan was being finalized. He said that the Government had thought of starting the work of reconstruction from that very province out at the time of opening of the Government offices at Jammu the Government had to face the disorder and disturbances. At a time when the law and order is being threatened it became difficult for a Government to implement the nation building plans. Sheikh Abdullah exhorted the people to fully cooperate with the Government in making democracy a success in the State. He said that the State was passing through a critical phase and any disturbance or disorder would not only be detrimental to the progress and the healthy growth of the State but will be suicidal to its freedom and security.

Sheikh Abdullah reiterating his faith in the common ideals based on secular democracy Sheikh Abdullah said that the freedom and progress of the State depended on standing united in the field of action irrespective of caste and creed. At a time when the Indian subcontinent was torn by the communal forces, Kashmir presented at impregnable fronts the communalism and defeated the two nation theory. Having failed to decree the people of Kashmir Pakistan let loose hordes of free ... on the soil of the State. But the people of the State, irrespective of caste and creed stood as one man and refused to bow before the demon of communalism. They did not surface from the path of external brotherhood. "Inspired by the principles of brotherhood and religious tolerance we want ahead with some nation building reforms including abolition

of Jagirdari and hereditary rule", he said.

Sheikh Abdullah said that in the present age of democracy the idea of class domination was pernicious and deplorable. "We are out to afford equal opportunities to all people so that each unit may progress in accordance with its cultural needs. We consider it a heinous crime to make any distinction on grounds of race colour or creed. We have, therefore, decided to give autonomy to the different cultural units of the State as will be provided in the constitution that is being drawn up. This will remove all the fears of domination by one unit over the other and making for voluntary cooperation among people of the State", he added.

Continuing, Sheikh Abdullah said that the future constitutional edifice of the State would be laid on the two principles of democracy and communal brotherhood. It was on these principles that the State's accession was made with India in 1947. "At that time only two courses were open to us to join India or Pakistan. Pakistan tried to coerce us but after due deliberation we acceded to India in the interests of the people. We felt that in principle there was nothing in common between the "New Kashmir" programme and the foundations on which the Pakistan leaders were trying to build their nation. We took this decision at a very critical time when communal fires in some parts of India had not died down".

The people of Kashmir cast their lot with the people of India to uphold and safeguard their freedom and cherished progressive ideals. This communion of ideologies resulted in the establishment of firm political relationship between the State and the Indian Union. Accordingly, an

honourable place was given to the State in free India's constitution. In legal phraseology what was termed as Section 370 of the Indian Constitution, was a permanent and inviolable bond between the State and the Indian Union so far as human relationship is concerned.

Sheikh Abdullah made it clear that the State had acceded to India in three subjects viz. Defence, Foreign Affairs and Communications. With regard to the other subjects, he said, that under Article 370 of the Indian Constitution the State's Constituent Assembly was a sovereign body. The position was further clarified in the Delhi Agreement which was approved by the Indian parliament and the State Constituent Assembly. "The Instrument of Accession, Article 370 of the Indian Constitution and the Delhi Agreement of 1952 now form the basis of relationship between the State and the Indian Union. Both the governments are bound to implement and abide by them", he added.

Drawing a distinction between "integration" and "accession" the Prime Minister said that those who believed that Kashmir's accession meant merger with India were labouring under false notion. The people of Kashmir he said had no doubt acceded to India and the accession was complete in fact and law but the State had not merged with India. The purpose of the present relationship of the State with India was to bring the people of the two countries nearer each other. Ideological affinity based on union of hearts was essential for permanent relationship. Those who ignore this important factor in human relationship were putting the cart before the horse, " he added.

Referring to the Praja Parishad movement in Jammu, Sheikh abdullah said, that its leaders were trying to give

communal colour to politics of the State. In view of the delicate nature of Kashmir question in the international field the activities of Parishad could produce disastrous consequences which would benefit Pakistan alone.

He appealed to the good sense of the people to be carried off their feet by the propaganda of communal bodies and exhorted them to realise their duty towards their motherland. "Uncertain conditions prevailing in the country have retarded our progress, but the government is determined to carry forward the nation-building programme. The Five year plan has already been drawn up and its success depends mostly on the cooperation of the people."

We have not only to rebuild our country but also to rehabilitate our mislead brethren intellectually and politically he said.

Sheikh Abdullah appealed to the people of Jammu not be mislead by those whose past is already soiled. He added that the people were once before mislead by the so-called leaders which resulted in a catastrophe. If the people of Jammu again allowed themselves to be exploited by the so called leaders, it would result in some grim tragedy. "I assure the people on my own behalf and on behalf of my Government that we shall forget this painful chapter, provided our basic principles are not impaired. We welcome any honest and constructive criticism because as human beings we do not consider ourselves unerring", he added. The Prime Minister said that the criticism should be such as would promote unity and not disruption. He assured the people that if they remained united, no body could harm them. "Let us therefore rise to the occasion, understand the realities of the situation and live together in mutual

good will and confidence. Standing shoulder to shoulder let us march forward on the path of progress and stand guard on each others honour he said.

Addressing the people of Kashmir valley, Sheikh Abdullah said that the Praja Parishad movement was run by only those people who were the bulworks of the old regime or who were affected by the progressive policy of the present government or those who were communal minded. So far as the masses of Jammu were concerned, their problems were fundamentally the same as these of other backward people. "We should not class them with agitators and nor should we forget those Hindus and Sikhs who in the dark days of 1947 tried to save hundreds of destitute Muslim men and women by giving them shelter in spite of the grave dangers". He exhorted the people to stick to their principles and said that the events after 1947 had justified the choice made by the people of Kashmir, for the people of India in general rejected the communal outlook. In the recent general elections in India no communal body could enlist mass support".

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Expressing deep sympathy with the Kashmiris on the other side of the Cease-fire line, Sheikh Abdullah said: "We are anxiously awaiting the day when the territorial integrity of the State will be restored and Lakhs of our uprooted brethren may resettle in their own home and live peacefully: . He exhorted them to arise and awake and now to allow themselves to be exploited any further by their so-called leaders who were responsible for all their misery and suffering and added that if they did not rise to the occasion, there could be no hope of their securing freedom from the present misery".

While commenting on an editorial appeared in "The Tribune" on 21.4.1953 in defence of Sheikh Mohammad Abdullah's policies in the State, Mr. Nariana Das had written following letter to the Editor of the paper on 29.4.1953¹²⁵:-

The Editor,
The Tribune,
Amballa Cantt.
Dear Sir,

"Your Editorial in defence of Sheikh Abdulla's Appeal published in your paper dated 21.4.1953 is atonce informative and suggestive. It shows that you yourself are not sure about the correctness of the stand taken by Sheikh Abdulla Government for accession of the State 'for

a limited number of the subjects'. And at the same time the argument advanced is not understandable. The flexibility to be adopted in the Constitution by conventions will even to yourself it horrible results. Such flexibility principle will lead to the fragmentation of the country which will not be feasible both from economic and administrative point of view.

You have supported the 'Gratuitous' grant of Sheikh Abdulla of autonomy to 'Cultural Units'. What is culture? Has a Nation different culture? Or is India a land of different Nations. Nation has always only one culture. The cultural division of the state is the acceptance of the principle of the state being composite of different Nations. This splitting of the State into different so called cultural units will not be a sound solution of the problem and will not end the present political impasse but will lead to further troubles more harmful to the cause of the voluntary than it is intended to remedy.

Unfortunately the practice of calling names or attribute motives to those who honestly differ from the view point of the party in power has become a universal rule in the country. The Indian Prime Minister does not spare any opportunity let go than he should not abuse his political opponents. In the same tone you too accuse that 'the Praja Parishad leaders are clearly asking for the applications of the two nation theory to the state is directly or indirectly pressing for the partition of Jammu and Kashmir State. It displays that either the real implication of the agitation are not understood or it is deliberately done to cloud the real issue.

The Indian Prime Minister Pandit Nehru is following

the policy of surrendering to Muslim Communalism by granting a special status to Kashmir because of its being predominant Muslim area and you knowingly fully well it to be wrong support it with the expression 'If for certain reasons'. What are those reasons? Having failed practically to bring Kashmir state completely integrated like all other states you like Pandit Nehru shift the burden on to others and charge them communal and 'directly or indirectly pressing' for the partition of the state. Who is asking for the application of the two Nation theory? If 'A Constitution, a Flag, and an anthem, these three sum up a Nation' (Page, Our National Song government of Indian Publication) is a good principle for the rest of India any variation of this principle of granting a right to have a separate constitution to a section of Indians (For Kashmiries have very often been declared to be Indians both by Pandit Nehru and Sheikh Abdulla) is the adoption of three nation theory in practice and it is shameful to cast malignantly the burden of its demand on others".

Yours faithfully

Nariana Dass

B.A.L.L.B

31, Kachi Chowni, Jammu.

Sh. Ram Nath Balgotra had then sent following letter to the Editor Hindustan Standard" New Delhi on 5.5.1953¹²³ :-

The Editor

Hindustan Standard,

Delhi.

Dear Sir,

"Shree Ghulam Moh'd Sadiq, president so called Kashmir Constituent Assembly while addressing sponsored Democratic

Youth League Convention in Jammu on 2nd May, 1953 reported in your paper on 3rd May, 1953 described Parishad leaders "traitors" we challenge Shree Sadiq an avowed communist to prove the charge before any court of law. It is not fair on the part of the responsible persons like sh. Sadiq to make such wild allegation and charges against his political opponents. If the previous and present history of Shree Sadiq is reviewed and analysed the charge will fit in for Mr. Sadiq himself. The memory of Shree Sadiq's and his leader Sheikh Abdullah's intrigues with the British Imperials to create communal troubles in the State in 1931 at the time when the Government of India wanted to penalize the Maharaja for his bold patriotic stand in the Round Table Conference is still fresh to the people. It was a time when the British Imperialists instigated and finance the communal riots throughout India to bring the Congress Civil disobedience movement of 1931-32 to a sad and miserable end. It was the beginning of Shree Sadiq and his leader "National Struggle". Was it patriotic or treacherous? I leave it for your readers to decide.

Again in 1947 when the Maharaja was communicating with the Government of India for accession of the State, Shree Sadiq and his other companions went to Pakistan for consultations for accession of the State to Pakistan. He went there at the behest of his leader Sheikh Abdullah and the communist party of India which stood for the partition of the country.

There are other happenings and incidents also connected with Shree Sadiq which abundantly prove that his malicious charge against his opponents suit best for himself".

Yours faithfully

Mast Garh, Jammu-Tawi.

sd/ Ram Nath Balgotra

127 Dr. S.P. Mukerjee, alongwith U.M. Trivedi the then M.P. and Vaid Guru Dutt left Delhi for Jammu on May 8, 1953. On May 10, 1953 when they were passing through Punjab enroute to jammu Mukerjee received a message from Sheikh Abdullah saying his visit to jammu would be inopportune. Nonetheless they proceeded and the moment they crossed the Ravi at Madhopur at 4 P.M. on May 11, 1953 they were arrested under Public Safety Act and Mukerjee placed under house arrest at Srinagar¹²⁶. His arrest had added fuel to the fire. The agitation took such a serious turn that it almost paralysed the entire State apparatus. Almost every part of Jammu region, from city to was vibrant with mass upsurge. Chamb, R.S.Pura, Sunderbani, Samba, Akhnoor, Jourian, Kishtwar, Hiranagar, Udampur, Basohli, Reasi etc. were places where people were killed and injured by firing. Lathi charges on processions had become a normal feature of life¹²⁷. Since the agitation had attracted popular support of almost all non-Muslims from every part of India, it had shattered the Sheikh's faith in Indian secularism. He advised the people of Kashmir not to get upset over the agitation of the reactionary communal forces in Jammu¹²⁸. He said:

128 "We faced and weathered many storms and were successful and we shall weather this storm as well. When the people of Kashmir had met the challenge of the Muslim League and Muslim National guards, they would not be afraid of the challenge of the Praja Parishad and other communalists, who were really the 'Muslim National

Guards' in Hindu Garb".

In his public speech Sheikh Abdullah warned India of grave consequences if the Hindu communalism was permitted to continue its virus against Muslims. This attitude of Sheikh Abdullah was not liked by the Indian leaders. Even Maulana Abul Kalam Azad was sent to Kashmir to persuade him to be moderate in his criticism of Hindus and not to take the matter to the extremely.

Mukerjee feel ill shortly after his arrival at Srinagar in custody. He complained of pain in his right leg in later May, 1953. He developed a fever and chest pain which was diagnosed 'dry pleurisy' on June 22, 1953. He was removed from the cottage to the State Hospital in Srinagar. At 4.30 a.m. on June 23, 1953 he got sudden heart attack and died. As a result of his sudden death the whole of North India was plunged in profound grief and submerged by a kind of anti Nehru and anti Sheikh wave. Praja Parishad refused to believe that death occurred in natural circumstances¹³⁰. The ramblings of similar reactions were also heard in the Frontier district of Ladakh.

Mukherjee's death and the circumstances surrounding it, had given rise to many rumours that he was murdered that when he became sick was allowed to die. Pt. Prem Nath Dogra and other India leaders accompanied the dead body of Dr. P. Mukerjee flow to Calcutta, his home town. In the middle of air journey, Pt. Prem Nath Dogra was dropped at Udampur. He was then taken to Delhi, where D.P. Dhar, the then Dy. Home Minister of the State wanted to negotiate with him for the withdrawal of the Praja Parishad agitation. But Pt. Prem Nath Dogra refused to negotiate with him as he was only Deputy Minister. As a result Bakshi Ghulam

132 Mohd. the then home Minister of the State flew to Delhi and met him and pressurised him to withdraw the agitation. Keeping in view the changed circumstances he made certain commitments¹³¹. Moreover, as a mark of respect to the departed soul, Pt. Prem Nath Dogra called off the agitation for thirteen days to express grief and sorrow¹³². 133

The following speech had been made by Pt. Prem Nath Dogra on 27.7.1953¹³⁸ :- 134

"I am happy to be back with my people after 8 months absence. It was a period of trial for us. We had voluntarily taken resort to the path of self sacrifice and suffering for the vindication of our right to live a life of honour and security in our own homeland as a component part of India. The way you have passed through this trial makes me proud of you what I have seen and heard about the way you conducted the Satyagrah after my arrest has convinced me that the future of our state is secure. Our satyagraha has no parallel in the history of satyagrahas. For eight months two governments had let loose their barbaric force to crush you. But they have not been able to crush you. Rather they have been vanquished. You stand victorious.

Today the whole country is full of praise for you and the brave fight you have given to the forces of separatism and disruption. I had the opportunity to visit a few important places in north India during the last few days. Every where I found tremendous enthusiasm and genuine praise for you people. Your sacrifices have made your cause the cause of whole of India. The conscience of the whole country including the power that be in New Delhi has been stirred and they have realised and admitted the justice of our cause and the patriotic motives that impelled

us to launch our satyagraha.

What did we fight for? Our struggle was aimed at bringing Jammu and Kashmir state close to India of which it has all through the ages been integral part, geographically historically as also culturally. This was necessitated by the separatist policies of the Government of Jammu and Kashmir which were aimed at driving a wedge between the State and the rest of India. Our demand was logical and patriotic. It flowed from the fact of accession of the State to India. We were opposed to the policy of reducing that accession to a dead letter speedily cutting at the roots of State's unity with India. Government of India in their indulgence for Sheikh Abdullah failed to see the dangerous implication of that policy inspite of our repeated protests, requests and warnings. They did not pay any heed to the administrations of a patriot like Dr. Shyamaprasad Mookerjee eve. But I am happy to tell that it has been proved beyond doubt that we were on the right. The whole of India has now awakened to the dangers of systematic separatism of some Kashmiri politicians. It is now admitted at all heads that our movement was neither communal nor reactionary but was an outcome of the patriotic urge of the people of the state to be one with India.

That is why overtures were made to us to stop the satyagrah. I was taken to Srinagar to have cumulation with Dr. S.P.Mookerjee. Pt. Nehru who for three long years refused to talk to your representative and spoke fare against to day in and day out, stepped out of his shell of self complacy and appealed to us for cooperation and for cessations of Satyagrah. He called us and heard our view

point. It was a close victory of you people. It shows that you cannot be ignored, that you have made your existence felt. I wish he had done this a month earlier. That might have saved the country from the great tragedy of Dr. Mookerjee's death. But still it is matter of satisfaction that light has dawned upon Pt. Nehru after all.

I had talk with some other ministers of the Central and Kashmir Government as well. I do not think that I am divulging anything if I say that they have begun to appreciate our view point. The dangerous results of the policy of drift in regard to kashmir have already begun to manifest themselves. And they have forced them to pay heed to our warnings which had gone undecided so far. India's stake in Kashmir is high. She cannot afford to bungle these any move. And I hope that steps to end the dangerous suspense about the future of the state will be soon taken. Jurisdiction of Supreme court, fundamental right and financial integration of the State with India are natural corollaries of State's accession to India and I am confident that the state will have the benefit of them very soon.

Definite steps will also soon be taken to remove the economic and other grievances of the people within the state. Some of them have already been taken. Something has been done to rehabilitate ex-service men, remove controls etc. The report of the Wazir Committee which was set up as a result of our satyagrah has vindicated our stand about land reforms and other economic policies of the Government.

We have stopped our satyagraha to give time to Pt. Nehru and Kashmir Government to set things right. The same patriotic motives which impelled us to launch the

satyagrah 8 months ago have now impelled us to stop it even though we had the strength and determination to carry it on for many months more. During this period Kashmir problem which had already become complicated has become delicate. Our warnings and worst fears have come true. Persons masquerading as India's friends and followers of Mahatama Gandhi have come out in their true colours. They have begun to flirt with the idea of independent Kashmir for the fulfilment of their own ambition. They have forgotten how this independence brought obstructions to Kashmir in 1947. We are and have been opposed to it whether it comes from Pt. Ram Chand Kak or Sheikh Abdullah. I want to appeal to my Kashmir brethren not to be exploited by such false cries. They will land them in trouble.

It is wrong to suggest that our movement was aimed against Sheikh Abdullah or Kashmiris as such. We have always looked upon Kashmir as an integral part of the state within India. We extended our fullest cooperation to Sheikh Abdullah when he was installed in power. It was unfortunate that he misconstrued our willing cooperation for the common and of unity with Hindu to be our weakness. I am sure he has now realised our strength. I want to assured him that we want to be his friends provided he gives up his separatist policies. Let him be Indian first and Kashmiri or Muslim afterwards and we are with him.

The suffering undergone and the sacrifices made by you people during the satyagrah have been immense. You have faced bullets and braved all the engines of repression in the armoury of Kashmir and Indian Police with most commendable courage, restraint and discipline. By committing crimes against women the state Government

has proved that it is not fit to be called a civilised government., You had the power and ability to give them blow for blow. But by suffering non violently you have proved that you are true satyagahie.

But the greatest sacrifice for our cause was made by Dr. Shyama Prasad Mookerjee who died a martyr death in Srinagar Jail. In his death the country has paid the greatest price for Jammu and Kashmir's unity with India. The people of state will ever remember him. We will carry on his mission. It is also our desire to build befitting memorial to his memory at Jammu and Srinagar. I hope the people of the state well contribute liberally to Dr. Mookerje memorial fund when appeal is made for it. We are also one with the rest of India in the demand for an impartial enquiry into the mysterious circumstances in which Dr. Mookerji died.

The immediate task before us now is to reorganise ourselves. The people are with us. They have proved their faith in Praja Parishad by standing by it in thick and thin. Their strength and energies have now to be diverted to constructive work of removing poverty, disease and ignorance. The Kandi area of our land is most neglected. It needs have to be looked into. The Praja Parishad will soon set up a committee to make a social and economic survey of the Kandi ilaqa. I will appeal to my follow workers to make a cooperative effort in their perspective sphere to ameliorate the lot of he people and share their suffering. Service of the people in the real measure of our strength. We must now commensurate on educating them so that they may be able to discharge the responsibilities that are soon going to devolve on them in a worthy manner".

Pt. Prem Nath Dogra, however, written following letter to Sheikh Mohammad Abdullah from Jammu¹³⁶ :-

135

August----1953.

"Since the day of my return to Jammu I have been receiving detailed information about the atrocities committed by Police and Militia in different parts of Jammu. The Information has been coming both from the victims of the atrocities and highly respectable and responsible unattached persons. It shows that there has been large scale looting of the villages in tehsils of Jammu, Akhnoor, Nowshera, Rajouri, Reasi, Ramban and Basohli by the Police and the Militia. People of the villages were literally forced out of their homes and they had to stay for days and weeks in outlying jungles leaving all they possessed to the mercy of custodians of law and order who behaved as worst brigands and free looters.

The arrested satyagrahies were invariably subjected to merciless beating and torture in and outside the police lock ups before their conviction. The victim of police firing were treated in a most barbarous way. I have cases before me where lives of some persons injured by bullets could have been saved had medical aid been given to them. But the authorities not only did not give any medical aid to them but also prevented others from doing so.

The worst part of these atrocities is the crimes against women. I have got definite information about criminal assault and rape of innocent girls and women by very responsible police officers of the State not to speak of ordinary constables who were encouraged to do such things by giving to them spirituous drinks before they set

out on their head hunting expeditions.

These are things which must shake the conscience of any civilised person. The resentment these happenings have created in the minds of the people of Jammu is both natural and intense. In the interest of justice and morality as also for pacifying the minds of the people it is essential that Government should set up an impartial commission of enquiry presided over by a Supreme Court judge to investigate into these atrocities. This is a most urgent matter and does not brook any delay.

I do not want to do any thing at this juncture which may embarrass the Government. But justice must be done to pacify the people whose suffering has been so great. Further the criminal officers will continue to harass people to fabricate evidence in their favour till such an enquiry begins.

I also want to avoid any untoward incident which may take place because of the universal resentment against such criminal officers.

I therefore, plead with you to take early steps in the matter.

I expect an early intimation from you in this connection".

Sheikh Mohd. Abdullah
Hon'ble Prime Minister
Jammu & Kashmir State
Srinagar

Yours
sd/Prem Nath Dogra
All J&K Praja Parishad,
Jammu.

Copies submitted to:

1. Bakshi Ghulam Mohammad, Hon'ble Minister, Jammu and Kashmir State.

2. Shree Jawahar Lal Ji Nehru, Hon'ble Prime Minister of India.

3. Dr. Kailash Nath Katju, Hon'ble Home Minister of India.

for information and favour of early necessary action.

136 After the death of Mukerjee there abruptly occurred a change in the attitude of the Congress Government, headed by Pt. Nehru. For the first time Pt. Nehru realised that large number of people in Jammu had suffered and that "whatever our countrymen suffer, we share, to some extent, that suffering"¹³⁷. In an appeal he advised the Praja Parishad leaders to end the conflict and return to the normal ways of peaceful and cooperative politics.

As already said, Sheikh Abdullah had a prolonged discussion with Adlai Stevenson- a democratic leader of U.S.A. who visited Srinagar. It was said that the two leaders had thoroughly discussed the Kashmir problem and one of the alternative solution concluded was the possibility of an independent Kashmir with an international guarantee by Big country.

137 Sheikh Abdullah was suspected of a 'mischief' which the Government of India was not ready to permit him at any cost. His removal was the only way out of national interest was to be saved by means of keeping the State of J&K safe in Indian grip¹³³. The orders of the dismissal of his ministry were issued by the Sadar-i-Rayasat and were served to him on August 9, 1953 at Gulmar¹³⁴. On the other hand the Parishad leaders seemed to be satisfied with the dismissal of Sheikh Abdulla's ministry and his subsequent arrest on August 9, 1953. They promised to support to the 138

then newly constituted State Ministry head by Bakshi ghulam Mohammad. The force and intensity of the agitation was, therefore, relaxed. On July 7, 1953 the party officials announced that agitation was called off temporarily with the hope that the grievances was called off temporarily with the hope that the grievances of the people of Jammu would be redressed and their demands met by the then new Government headed by G.M. Bakshi¹³⁵.

The Praja Parishad also resolved to continue to press for the full accession of Kashmir to India. Pt. P.N. Dogra and G.M. Bakshi the new P.M. of the State however agreed in December 1953 to drop the Satyagraha, withdraw the cases against the demonstrators and restore their civil rights. The Parishad leadership actually fell in the trap of Bakshi, who required their support to consolidate his own position particularly in the valley¹³⁹.

While commenting on G.M. Bakshi's exclusive interview with the correspondent of News agency (I.P.A) Pt. P.N. Dogra ^{S.D.S. achas} said¹⁴⁰ :-

"Jammu-31st August: while commenting on Bakshi Ghulam Mohd's recent exclusive interview with the correspondent of a News Agency (I.P.A.) and later circulated through the Kashmir Govt. Information Bureau the J&K Praja Parishad Chief Pt. Prem Nath Dogra said here today, "In this interview Bakshi Ghulam Mohammad has laid bare his real intentions with regard to Kashmir's position in the Indian Union that he is not prepared to be treated at par with of the States of India, should be now abundantly clear even to those who had developed a sort of blind faith in his oft repeated slogans about National Integration". Dogra added that far from bringing Kashmir closer to the rest of the country

bakshi Gh. Mohammad has even disapproved the suggestions about National Conference integration with the India National Congress on the plea of "its own special traditions and certain sentiments of its followers". It should not be difficult for anybody to read between this lines. National Conference has in fact lost hold on the masses because of such anti-national sentiments of its leadership.

Praja Parishad Chief said "Bakshi's assertion that Kashmir is still very much an international issue, runs counter to his own previous declarations that Kashmir has linked its destiny arrived with India and that there was now no Kashmir problem except that of recovering our territories illegally held by Pakistan and China. His latest approach definitely smacks of black mailing and refutes the very basis of India's stand at the United Nations.

Pt. Dogra expressed surprise that Kashmir Premier's reference to sheikh Mohd Abdullah as "still posing a serious political problem for the state which cannot be dealt with purely as a law and order question" is most unfrotunate. Can there be worse confession about the miserable failure of the government to create feelings of certainty and stability in minds of the people? But this confession also seems more political and diplomatic than reality. Referring to bakshi abrogation of Art. 370 of the Indian constitution, leader said, "His opposition to abrogation of Art. 370 never in doubt despite categorical assertion by the Prime Minister Jawaher Lal Nehru that this Article was going to become redundant with the passage of time. What is shocking is that he should now link up the validity of the accession of the state to the Union

with the transitional provision of the Indian constitution. (In his interview Bakshi Ghulam Mohd had said", Art. 370 Bakshi, Sahib pointed out, gave validity to this state's voluntary accession to the Indian union as determined by the freely elected constituent assembly of Jammu and Kashmir). There could be perhaps no worse example of political opportunism".

Pt. Dogra stated "Bakshi has boasted about having weakened Praja Parshid which he has dubbed as communal. I may assure him that his such claims are going to deceive him alone. Praja Parishad is an organisation of trid patriots out to fight to last against elements which have no faith in politically strong, economically progressive and socially upright Indian nation.

Pt. Dogra further said that Bakshi's emphasis "Under his leadership his party had fought communalism in these state, when in other parts of the country, rightist and communal parties had gained ground" is the same tone of talking as the leaders of the ruling National Conference had been using the change of 1953 to misguide and arouse the communal frenzy amongst the Kashmir Mulsim against India".

Gopaldas Sachar,

Publicity Secretary,

J&K Praja Parishad, Jammu.

142 Pt. P.N.Dogra had sent following letter to
G.M.Bakshi¹⁴¹:-

Dated 1.2.1954

My dear Bakshi Sahib,

"This is to remind you of my talks with your earlier wherein you extended to me certain assurances in respect

of the framing of a constitution for the State.

The question of the constitutional set up in the State and its relationship with India is of vital importance to us as a political party and as representatives of the Jammu province. We would, therefore, like to be associated with the constitutional discussions. It is, however, not our intention to embarrass you or to add to your difficulties. But we should be failing in our duty to the people here and in India if we do not exercise our democratic right go impress upon you the aspiration of the Jammu people and to urge you to incorporate their views and demands in suitable terms in the constitution of the State.

I would, therefore, feel obliged if you give an opportunity to discuss things with you in order that we may come to a unanimous agreement on the constitutional question.

Such an interview shall moreover, lead to the lessening of internal tensions and pave the way for smooth acceptance of the decision proposed to be taken.

I can assure you that I shall always endeavour to reach reasonable compromise so that we can pull jointly through this national crisis. I am also of the view that Government also on its part should not do things in a way that makes our position difficult before people".

Yours Sincerely,

Sd/Prem Nath Dogra

Hon'ble Bakshi Ghulam Mohd,
Prime Minister
Jammu and Kashmir Govt. Jammu.

On February 6, 1954. However, the constituent Assembly of the J&K had ratified the State accession with the

Indian Union entered by Maharaja Hari Singh a way back on October 27, 1947.

Just after the endorsement of the accession with the Indian Republic, the General council of the All J&K praja Parishad adopted the following resolution¹⁴²:-

"To endorse the accession issue which had been completed with the Maharaja's signing of the Instrument of accession, a Constituent Assembly was convened. The elections for the said were held, circumstances were created to confirm the belief that they were not being conducted in a free atmosphere. The Praja Parishad had to boycott it because there was no alternative in these circumstances.

The General Council demands that since the purpose of the constituent Assembly has been fulfilled. New elections be held affording opportunity to every individual in the State to take part in the legislature of the state".

The second report of the Drafting Committee of the State Consembly was submitted by Mr. Mir Qasim on Feb, 11, 1954 It was non else then the draft constitution. It was based on the decisions taken by the consembly, on the reports of the basic principles committee, the Advisory committee on Fundamental Rights and Citizenship and such other decisions as were taken from time to time.

Pt. Prem Nath Dogra, then wrote a letter to Bakshi Ghulam Mohd. The Prime Minister of the State on 13th February, 1954 in which he, once again explained the stand of his party and his objections to the proposed report of the Drafting committee. He stressed that his party was and had always been for the full application of the Constitution of India to the State. Even the Delhi Agreement never satisfied them, he added. Nevertheless in view of

International situation and other factors, he stressed, they had been giving full support to him and his government. He pleaded that the proposed report of Drafting Committee was far from satisfactory. He made him remember that when he submitted certain shortcomings in the reports of Basic Principles Committee and the Fundamental Rights Committee he had assured him that the final draft would be perfectly in accordance with the letter and spirit of the Constitution of India, with the exception of protection for Land Abolition laws and the superior rights for the permanent Residents in matters concerning acquisition of immovable property and employment in govt. service. But the provisions in the proposed Draft report fell short of even the matters agreed upon Delhi Agreement. He objected to the proposed indirect election to the Parliament, the denial of special leave by the Supreme court curtailment of people rights and circumscription of the application of India Constitution and whittling down the fundamental rights in a variety of ways.

He accused that the whole thing was being rushed through the Consenbly without giving adequate opportunity to the Public for expressing their opinion and making suggestions for improvement of the Draft Constitution. While concluding he requested him to go through the proposed draft very carefully and remove the defects to allay public apprehensions. Pt. Mauli Chandra Sharma, the President of All India Bharitya Jana Sangh, pointed out Jana Sangh's right objections to the proposed Kashmir constitution. These were summed up as under:

The relationship as envisaged in it left much to be desired and it was doubtful whether it would satisfy the

aspirations of the people of the State, who had been struggling for the last six years to be one with their Indian brethren as also of the people of the rest of India who had been making all kinds of sacrifices for the security and welfare of the State. A glaring flaw was that it conceded to the State the right to discriminate against the citizens of the rest of India in the matter of entry, residence, employment and acquisition of immovable property in that State. By creating a category of Permanent Residents of the State as distinct from other Indian citizens a Dual Citizenship had been brought into existence in that State which was opposed to the very basis of their constitution.

The provision for the nomination of the State Representatives to the Parliament on the recommendation of the State legislature instead of their election by a direct vote of the people as in order States, deprived the people of the State of their basic democratic rights as Indian citizens. Why should the State have its own Election commissioner and its own census operation? The extension of the jurisdiction of the election Commission of India to the State was essential not only to create confidence in the people about the fairness of the elections there but also to make them feel that they were the citizens of India.

Another objectionable provision was the right given to State Legislature to permit and regulate the entry of those who had left the State and gone over to Pakistan. Such movement of individuals or groups between India and Pakistan must be regulated by the Central Govt. and should not be left to individual states.

The provisions about Fundamental Rights and extension

of jurisdiction of the Supreme Court also left much to be desired. The rights given to the State Legislature to abridge the fundamental rights of the people of the State under the excuse that a part of that state was under Pakistan's occupation, was not convincing at all. It only confirmed the genuine fears of the people in and outside the State that the State was sought to be run on totalitarian lines.

By leaving residuary powers with the State and abridging those which had been given to Centre, the President's order had not succeeded in terminating the anomalous position of the State as a Unit of India. It had in it the germs of a danger which the Government of India ought to have visualised in the view of their recent experience.

146 Mr. N.C. Chatterji, the President of Akhil Bharat Hindu Mahasabha, while pointing out some lacunae in the State Constitution said that the defined function of the Supreme court of India in Kashmir was to achieve cohesion in the field of law and justice. The great drawback was that serious encroachment had been made both on civil liberties and on the sanctity of property, he added.

It was a matter of regret, he said, that Art. 136 of Indian Constitution had not yet been applied to the State, and that no citizen of the State could apply to the Supreme Court for Special leave against the judgement of local High court.

Moreover, Art. 19 of the Constitution of India which guaranteed basic human rights had been made practically mitigatory in Kashmir because of a special rider which made existing Legislation abrogatory of fundamental rights not questionable in the court of law. Again the denial of

any compensation to expropriated owners practically amounted to naked confiscation and that was against the spirit of the Constitution of India.

The demand of the people of Jammu for provincial autonomy was ignored, he added. He further pointed out that even Hindi, the national language was not receiving due recognition.

The critics of the work of the State Consenbly and the Constitution it was hammering into shape, were opposed to the special status and privileges accorded to J&K as a constituent unit of the Indian Union. In particular they did not approve of the curtailment of fundamental rights (as given in the Indian Constitution) in their application to the State; some restricts on the jurisdiction of the Supreme Court in relation to the State; a dual citizenship for "permanent residents" of the State'; a blanket permission to return to the State, for the States' migrants to Pakistan; distribution of land to the tillers, without any compensation to the owner thereof; the exclusion of the jurisdiction of the Union Election commission over the State as also that of auditor and Comptroller General of India; and the like.

While criticising the various sections of the Draft Constitution of the State as proposed by the Drafting committee, Pt. P.N. Dogra had submitted following memorandum to President of India on 1.4.1954¹⁴³.

May it please your Excellency,

"In connection with the Constitutional proposals which have been recently made by the J&K State authorities to the Central Government, this representation is most respectfully submitted on behalf of the Praja Parishad of

that State for your Excellency's kind and sympathetic consideration.

II. There is no doubt that these proposals constitute a little advance on the existing position. And, coming, as they do, in the wake of the decision of J&K Constituent Assembly to confirm and finalise the accession of this State to the Indian Union, they have been welcomed not because they take us for towards our goal, but because they seem to have been conceived in a different spirit from that which animated the Abdullah Government.

III. Amidst this chorus of praise it seems almost churlish to strike the jarring note of critical appraisal, but this is a duty which the Praja Parishad owes to the People whom it represents. They have consistently demanded that the Indian Constitution be made applicable to this State just as it applies to the other Part B states. In the pursuit of the objective they have undergone great sacrifices and sufferings, being convinced that without achieving it, there can be no peaceful and honourable life for them in this state. They were led to entertain certain hopes by definite assurances, but these proposals do not come anywhere near their fulfilment. Consequently, the people affected by them have on the whole received them with mixed feelings including those of frustration.

IV. In certain circles there is a tendency to dismiss the demand mentioned in the preceding paragraph as a problem for legalistic or academic discussion and to ignore its human aspects, but those who have raised it are indeed earnest about it. To them it is a matter of life and death and they are determined to persist in it regardless of the sufferings and sacrifices which this

courses might entail for them.

V. It is a pity that the Central government have never enquired from the proper quarters why this demand is being made and how far it is justified. On the contrary, they have been more responsive to the opposite demand of the National Conference leaders, which is to the effect that this state should have a special privileged status different from that of the other 'Part B' State. The wonder is that it has never occurred to the otherwise wide awake Central government that, in the ultimate analysis, both these demands, so contradictory in their formulation and intent, really spring from similar apprehensions. But the fears of the Kashmiri leaders are wholly baseless, because admittedly they have received the most generous treatment from the Government and the people of India during the last six years and more. On the other hand, the apprehensions of the Jammu people are fully justified by the experience they have had of "So called Popular rule" during the same period. They have been reduced to the level of political untouchable in their homeland. Their genuine voices has been effectively shut out from the Constituent Assembly. The government formed by the Conference Party is neither responsible, nor responsive, to Jammu people. The doors of Government services are closed to them, and those already in service are being pushed out. The administration is corrupt and inefficient and it is difficult for the common man to obtain redress in the ordinary course. Naturally the Jammu people seek the protection which some provisions of the Indian Constitution, and some organs of the Central authority, might possibly afford them. But the Kashmiri leaders desire

to retain the best of both worlds, they demand autonomy for themselves in relation to the central authorities of the Indian union and at the same time they stick to undiluted autocracy in the shape of an unalterable fixed majority in relation to the Jammu people. In fairness they should accord the same treatment to the latter and is demanded by them for themselves from the Indian Union. This legitimate demand of the Jammu people is sometime ignored on the false plea that it is confined to reactionary, communalist, and vested interests.

VI. The problem that has arisen between Jammu and Kashmir is essentially the same problem as has emerged between the whole state and the Indian Union. And fortunately it is also the problem that the Indian constitution was devised to solve. Its wise framers were faced with the rival claims of competing elements in the body politic and they arrived at a nice adjustment of those claims in the frame work of that constitution. This nice balance and adjustment makes it eminently fitted to provide a solution of the essentially human problem that faces us in this state. This is a strong reasons why a solution of this problem should be attempted by applying the Indian Constitution in its entirety to this State.

VI. Viewed against the above background the unsatisfactory character of the new proposals become quite apparent, in-as-much-as they disturb the nice balance of adjustments that the Indian Constitution in its entirety was intended to be. They mutilate its organic unity without leaving a fair working arrangement. They seem to have been cleverly devised in order to achieve the following objectives, namely:-

- i. To retain as much power as possible.
- ii. To part with as little of it as might be inevitable.
- iii. To let qualifications and exceptions swallow what is conceded.
- iv. To make the powers retained the close monopoly of an unalterable fixed majority and
- v. To ensure that the resulting set up shall not be allowed without the consent of that majority.

VIII. Some of the expedients adopted by the framers of those proposals in order to achieve the above objectives are mentioned below:

- 1. Fundamental rights have been wittled down and reduced to a mockery.
- 2. The jurisdiction and powers of the Supreme Court have been curtailed to prevent effective enforcement of fundamental and other rights.
- 3. Full control over the State High Court has been retained in order that the local judiciary may not become truly independent and embarrass the executive authorities.
- 4. A sort of dual citizenship has been created, within the Indian Union to its eternal home and humiliation.
- 5. One way traffic from Pakistan in the matter of settlement within this State has been provided for
- 6. Direct elections to the House of the people from the State have been avoided, in order that the authentic voice of the people of this state may not be heard even in the Indian Parliament
- 7. The powers vested in the central organs of authority in the Indian Union in relation to the other "Part B States" have been curtailed even in matters of common and national interests where uniformity of action is necessary.

8. The status of the Sadar-i-Rayasat has been made inferior even to that of a Governor, and his position precarious by leaving him at the mercy of prejudiced and an unalterable fixed majority in the local legislature.

9. Even the Delhi Pact has not been fully implemented.

10. Certain provisions of the Indian constitution which are applicable to this state at present are proposed to be repealed.

ii. The capacity and powers of the Indian Union to take prompt and effective action in relation to this state at times of emergency have been crippled.

13. Provisions relating to effective and independent audit and financial control have been omitted and

13. Drastic and confiscatory "lawless" law are proposed to be legalised.

IX. There are several other objectional features of these proposals but it is unnecessary to detail them all. Some of them will, however, become apparent as the succeeding detailed scrutiny of the proposals proceeds. Enough has, however, been said to show that these proposals give no indication of its framers being grateful for the generous treatment which they have received. On the contrary they betray great distrust of the various organs of the Indian central authority including the Parliament, the President and the Supreme court.

x. Such an important matter as constitution making should have been circulated for public opinion before being finally passed when it is an admitted fact that this Assembly is composed of one party alone. The constitution should not have been conceived and hatched in a secret manner behind closed doors. Without associating any person

unconnected with the Government or the Assembly even in an advisory capacity at any stage of their formulation or consideration. These facts should persuade the Government of India to examine these proposals with special care and consult the Jammu opinion before accepting them finally.

XI. Some points calling for consideration which the detailed scrutiny of these proposals has revealed, are briefly noted below:-

1/ *Article 3 of the Indian Constitution*

The new proviso which it is proposed to add to this Article will in certain respects overlap the existing proviso.

2/ *Part II of the Indian Constitution*

This part is to apply to this State from January 26, 1950, but the State acceded to the Indian Union from October 26, 1947. What will be the Status of the people of the State between these two dates. Will they be deemed to have been alien during this interval.

3/ *Article 7*

It is proposed to add a new Province to this article. Even Sheikh Mohammad Abdullah, Ex-Prime Minister of the State, knew that the policy underlying the proposed proviso might occur apprehensions in certain quarters. He tried to allay these fears in the statement which he made before the state Assembly on August 11, 1952, in the following words:

"It has been suggested in certain quarters that this protection has been provided only for those residents of the State who are at present stranded in Pakistan. I would like to make it clear, as I have stated earlier, that this protection will operate only when the conditions are

normal and such conditions naturally pressure that the resettlement of the dislocated population, whether Muslims or Non Muslims cannot be one sided or unilateral".

If such is still the intention it should be clearly and expressly stated in the Proviso and not left buried in vague declaration of the Ex-Prime Minister Secondly, as the new Proviso will operate to confer Indian citizenship, and also because its subject matter deals with, and effects, foreign relations, the law which is to regulate this matter should be enacted by the central, and not by the state legislature. Thirdly as the conditions are not likely to become normal in the near future, there need be no desperate hurry in adding this proviso, it can be added when the condition becomes normal. Lastly, it should be kept in view that part of the Jammu and Kashmir state which is at present in the occupation of Pakistani forces and which is sometimes misdescribed as the "Azad Kashmir territory", is not identical with, and should not, therefore be confused with the territory now included in Pakistan". The framers of the proposed proviso have ignored this distinction. They probably had the former territory in view but have used the latter expression to describe it. They seem to have fallen into this error because they have copied blindly the language of the existing proviso without realising that it becomes inaccurate in the context in which they have used it. In view of these complications, and also because there is no real urgency, it seems expedient to drop the idea of adding the proposed proviso to Article 7.

4. *Article 19(FUNDAMENTAL RIGHTS)*

The practical effect of adding the new clauses (7) to

Article 19, as has been proposed, will be that for five years there will be no "fundamental" rights in the state, and thus what was intended to be granted under clause (1) will have been taken away under Clause(7) for that period. It is of the very essence of the "Fundamental" rights which are provided in the Indian constitution, that the legislature should not have the absolute power to impose such restrictions on their exercise as the courts consider to be unreasonable. If the legislature is made the sole absolute judge of the reasonableness of any restrictions which it might deem fit to impose on their exercise, then such rights cease to be "Fundamental" and become ordinary legal rights. It would be more honest way of dealing with this matter if the proposed clause (7) were to be worded as follows:

" (7) For a period of five years these citizens of Indian who (unfortunately) happen also to be the permanent residents of the State of Jammu and Kashmir, shall not exercise the rights conferred under clause (1), except to the extent to which the legislature of the State may, in its absolute discretion, permit them to do so".

As the discretion is not to be "Judicial", it need not necessarily be judicious and may be capriciously exercised.

5. *Article 22(Preventive Detention)*

The proposed amendment is neither necessary nor fair, but if it must be made, its duration should be limited to a period not exceeding five years.

6. *Article 31(property rights)*

Clause (3) of this article should not be omitted as has been proposed. In the first place, it provides a safeguard which certainly is not less necessary in the

case of this state than it is for the rest of India. Secondly, in the matter of land reforms it is desirable to aim at a measure of uniformity. Thirdly, it is not clear why this clause is proposed to be omitted when the proviso to the clause (1) of Article 31-A is being retained, as both refer to similar matters.

7. Articles 31-A (Acquisition of Estates)

The proposed definition of "Estate" is needlessly and unfairly too wide. Secondly, the definition of "Estate" given in our law relating to land tenures (Tenancy Act) which is saved by the existing sub clause (a) of clause (2) of Article 31-A could have served the purpose in view. Thirdly, it is undesirable to provide a fixed definition of "Estate" in the Constitution itself, because it may become necessary to vary the definition from time to time, or place to place, or in order to suit various purposes but constitutions cannot be easily amended even when it becomes necessary to do so.

8. Article 35-A (Privileges of State Subjects)

This article, if added, will create dual citizenship and retard the growth of common nationality and classless society. It will be a bar sinister on the Indian escutcheon and a disfiguring blot on the Indian constitution. Secondly if its addition is unavoidable in view of the present mood of the Kashmiri leaders, its duration should be limited to a period not exceeding five years. Thirdly, even in that case, sub-clause (iii) of clause (b) should be omitted, because "settlement" is a vague term, and it is not at all clear what it is intended to include over and above that which is already covered by sub clause (i), (ii) and (iv). Fourthly, it should be stipulated that sub clause

(iii) must not be used to impose new, or enlarge the existing, disabilities. Lastly, the saving grace of Article 35-A should be limited to existing laws, and should not cover laws imposing new, or enlarging the existing disabilities.

9. *Part (iv) Article 36 to 61(Directive Principles)*

If these articles are proposed to be omitted it is a matter for profound regret. These have been evolved after mature thought and long experience, and should guide the course of legislation and administrative action in every enlightened state, There should be no hesitation in adopting them because they are directory, and not mandatory in the sense of being justifiable.

10. *Article 54, 55 and 61(Parliamentary elections)*

In the first place, it is unfair to deprive the people of the State of their right to choose by direct election their representatives in the House of the people. When direct elections were held for the State Assembly, electoral rolls were prepared on the basis of adult franchise. Such rolls can be prepared also for the Parliamentary elections. If the population of the State can be assumed to be 44,10,000 for purposes of Article 55, as has been proposed, there is no reason why the same figure should not be adopted for purposes of Article 81, Secondly, it would be a misnomer to categorise the representatives of the State as "elected" members for purposes of Article 55, as has been proposed, when, at the same time it is being clearly provided under article 81, that they shall be "appointed" by the President. Their status will still be that of "appointed" (i.e. nominated) members even though they might have been appointed on the recommendations of the

State Legislature. At present they are "chosen by the President in consultation with the Government of the State". But it is now proposed that "they shall be appointed by the President on the recommendation of the legislature of the "State". It would be simpler to say that hereafter the representatives of this state in both the houses of Parliament shall be elected by the elected members of the State legislative Assembly. Thirdly, it is wrong to provide in the Constitution itself that the population of the State shall be deemed to be 44,10,000. This figure is bound to vary frequently but the constitution should not liable frequent changes, perhaps the best expedient would be to make a temporary provision on the lines of Article 387, until a regular census can be held in this state.

ii. *Article 73(Executive Power of the Union)*

This article is at present in force without any modification in this state by virtue of the constitution(Application to the jammu and Kashmir) order, 1950. But it is now proposed to repeal certain words from the provisos to clause (i) of this article. No reason has been given for the proposed repeal, and none is apparent. Considering that clause 1(a) deals with matters with respect to which the Parliament has power to make laws, and that the whole of Article 73 deals with the extent of the executive power of the union, it would be better either to omit the proviso altogether or to leave it unmodified. Any tempering with it might make matters worse.

12. *Article 136(Special Leave to appeal by the Supreme Court)*

Under article 136 the Supreme court is empowered to grant in its discretion. Special leave to appeal before

itself, but it is proposed to omit this article and deny this power to the court in relation to this state. This would be a very unwise and serious omission. Without this power the extension of the jurisdiction of that court to this state will remain illusory, and the people will not have full confidence and assurance that they are getting justice and protection of their rights like other citizens of India.

13. *Article 139 (Additional powers of the Supreme court)*

This article is applicable to this State at present but it is now proposed to repeal it. Obviously this is a retrograde step and should be avoided.

14. *Article 149 and 150 (Comptroller and Auditor General)*

It is necessary to apply these articles to this state in the interest of sound financial administration and economy, as the present state of affairs in this respect is far from satisfactory. Secondly, such application becomes almost inescapable now that the state Government is going to get its share from the common pool of certain central taxes. As the taxes to be shared are raised from the people of India as a whole, all of them as tax payers are entitled to the assurance and protection which these articles are intended to supply. Thirdly, the central Govt. would be failing in its duty if it did not satisfy that the funds supplied by it to the Government of this State were being utilised properly for the intended purposes. This duty the govt. of India can discharge effectively only if these articles are applied to this state.

15. *Article 255*

Article 255 applies to this state under President's application order of 1950 but it is now proposed to omit it. There is no justification for such omission.

16 Article 259

Article 259 applies at present to this State subject to the specified modification, but it is now proposed to omit it altogether. The retention of this article is very necessary.

17. Article 261

The whole of this article applied at present to this state but it is now proposed to omit the words "made by parliament" from clause (2) of it. This proposal seems to have been made in ignorance of the scope and purpose of clause (2). If the manner of, and the conditions for, providing public acts, records and judicial proceedings of the Union and of every state (including the Jammu and Kashmir State) are to be regulated for the whole of India on a uniform basis, as they should be, evidently the only law that can do this effectively and appropriately is the law made by Parliament. Therefore, it is clearly to the advantage of all concerned that this article should continue apply without any modification to this state, as it does at present.

18. Article 201(Priv Purse Sum)

This article should be retained subject to certain obvious modifications.

19. Part XVII (Official Language)

This part should be made applicable to the Jammu and Kashmir state for all purposes. Considering that Urdu is not the spoken language of any considerable section of the people in any part of the state, its imposition as the

official or regional language of the state and as the medium of instruction in schools or in colleges, will not be fair. In any case, Hindi should have equal status with urdu in this respect, if not throughout the state, at least in the Jammu province. The medium of instruction in the primary or basis classes should be the mother tongue, but the guardians should have the option of declaring the mother tongue of their wards. In any case, whatever is adopted as the official or regional or mother language in the state or any part of it. It should be permitted to be written both in Arabic and Hindu characters at the option of the persons concerned, and its teaching should be arranged and permitted in both characters.

20. *Part XVIII (Emergency Powers)*

It is proposed to omit Articles 356, 357 and 360 and to amend article 352. Under article 355 which is being retained, it is the duty of the Union to protect this state, not only against external aggression, but also against internal disturbance and also to ensure that the govt. of this state is carried on in accordance with the provisions of the constitution. The President of the Union will be deprived of the power to act effectively and promptly, in discharge of the duty imposed under article 355, if articles 356, 357 and 360 are omitted amended in the manner proposed. There should be no divorce between responsibility and power. This part should apply to this state in its entirety without any modification.

21. *Part XIX Article 361 (Sadar-i-Ryasat)*

There should be confusion, vagueness or conflict about the position of the Sadari-Ryasat but such is likely to be the result if reference is retained to the state

constitution in the new clause (5) which it is proposed to add to this article. Keeping in view his position and functions, he should be free from local influences and harassment. Experience of the action he had to take in the recent emergency should suggest caution in this respect.

22. Article 362. The retention of this article is necessary reasons which are obvious.

23. Article 366

It is necessary to retain this article if the powers of the union Executive under the constitution are real and not illusory, if it is not to be exposed to mockery and reduced to impotence in relation to this state, if in the absence of an effective sanction, its lawful directions are not to be floated with impunity, if its duties and responsibilities and if the Govt. of the State is to be carried on in accordance with the provisions of the constitution.

24. Article 372

Article 372 makes mention of Article 385. This reference is inappropriate because article 395 is proposed to be omitted.

25. Article 374(Advisory Board)

It is proposed to amend clause (4) of Article 374 in order to provide for the abolition of the State Board of Judicial Advisors and the transfer the appeals pending before it for disposal to the supreme court of India, but this is likely to make matters worse in one respect. The Board present jurisdiction is wider than that proposed to be conferred on the Supreme court. This will result in greater finality attaching to the decisions of the local courts, because fewer appeals will lie to the Supreme

court than to the Board at present. Moreover, the appellate jurisdiction of the supreme court in relation to the Jammu and Kashmir courts will not be as wide as that which it exercises in relation to the courts of the other states. The provisions contained in chapters V and VI of Part BI read with part VII of the Indian constitution relating to judiciary are not being made applicable to the judiciary of this state. It cannot therefore, be pretended that the judiciary of this state including its High court will command the same measure of confidence and prestige which the judiciary of the of the state commands. If the confidence of the people in the justice administered in this state is not to be undermined, it is necessary that this state be brought up to the level of the level of the other states by applying to it all the provisions of the Indian constitution relating to judiciary just as they apply to the other Part B States. At any rate the present position when the Advisory Board is functioning, is much better than that which will result from these proposals after the Board has been abolished.

25. Article 387

This article should be retained until a new regular census has been completed in this state, because until the there should be some provision in the constitution under which authoritative estimates of its population could be made and varied from time to time, for purposes of elections. Of course some modification of this article will be necessary in its application to this state, because the three years period mentioned in it has already expired. The estimate of 44,10,000 proposed for purposes of articles 54 and 55 cannot remain a fixed figure for all time, and

will have to be changed from time to time, but it should not be necessary to amend the constitution itself every time a correction of this figure becomes necessary.

27. Schedule VII List I Entry No. 3

This entry at present applied to this state without any modification, but it is not proposed to curtail its scope considerably. There is no apparent reason to justify this course. The expression "administration of cantonments" is not wide enough to cover all the functions included in this entry. Evidently, the Army authorities need comprehensive powers in this respect. It should not be forgotten that this state is war area and that the opposing armies are each other on its border.

28. Schedule VII, List I Entry No. 9

This entry is applicable to this state at present, but it is proposed to omit it altogether, without the slightest justification. It should be retained because its subject matter is connected with Defence, Foreign Affairs, and the Security of India, which are the exclusive concern of the union.

29. Ninth Schedule

As many as six laws of this state are proposed to be included in this schedule. It is inequitable and unnecessary to protect some of these laws in this manner. In particular, the Distressed Debtors Relief Act, the alienation of land act and the whole of the tenancy act need not find a place in this schedule".

Yours faithfully,

sd/ Prem Nath Dogra

Jammu and Kashmir Praja Parishad

Dated 1.4.54.

148. Pt. Prem Nath Dogra, the President of Jammu and Kashmir Praja Parishad submitted a Memorandum to the President of India on 15th April 1954 with the request that the Govt. of India should examine the proposed constitution with special care and to ascertain the opinion of the people of Jammu province, before accepting them finally. He once again asserted that they were opposed to J&K State having a separate constitution. While criticising it he said that the unsatisfactory character of the new proposals became quite apparent, in as much as they disturbed the nice balance of adjustments that the Indian Constitution in its entirety was intended to be. They "mutilated its organic unity without leaving a fair working arrangement". They seemed to have been cleverly devised in order to achieve the following objectives, he added:-

1. To retain as much power as possible
2. To part with as little of it as might be inevitable
3. To let qualifications and exceptions swallow up what is conceded.

4. To make the powers retained be the chosen monopoly of an unalterable fixed majority

5. To ensure that the resulting set up shall not be altered without the consent of that majority.

Some of the expedients adopted by the framer of the proposals, in order to achieve the above objectives were also enlisted in the memorandum: They were:-

1. Fundamental rights have been whittled down and reduced to a mockery.

2. The jurisdiction and powers of the Supreme Court had been curtailed to prevent effective enforcement of fundamental and other rights.

3. Full control over the State High court has been retained in order that the local Judiciary may not become truly independent and embarrass the executive authorities.

4. A sort of dual citizenship has been created, within the Indian Union to its eternal shame and humiliation.

5. One way traffic from Pakistan in the matter of settlements within this state has been provided for.

6. Direct elections to the House of the people from the State have been voided, in order that the authentic voice of the people of this state may not be heard even in the Indian parliament.

7. The powers vested in the Central organs of authority in the Indian Union in relation of the other part B States have been curtailed even in matters of common and national interests where uniformity of action is necessary.

8. The status of the Sadar-i-Riyasat has been made inferior even to that of a Governor, and his position precarious by leaving him at the mercy of a prejudiced and an unalterable fixed majority in the local legislature.

9. Even the Delhi pact has not been fully implemented.

10. Certain provisions of the Indian constitution which are applicable to this State at present are proposed to be repealed.

11. The capacity and powers of the Indian Union to take prompt and effective action in relation to this State at times of emergency have been crippled.

12. Provisions relating to effective and independent audit and financial control have been omitted.

13. Drastic and confiscatory "law less" law are proposed to be legalized.

Pt. Prem Nath Dogra further added that the constitution

should not have been conceived and hatched in a secret manner behind closed doors, without associating any person unconnected with the Govt. or the Assembly even in an advisory capacity at any state of their formulation or consideration. Rather such an important matter as Constitution, he emphasised, ought to have been circulated for public opinion before it was finally passed". 151

The All J&K National Conference alleged that Praja Parishad was advocating for the return of monarchy and undoing of land reforms in the State. In reply to these allegations Sh. Om Parkash Mengi - General Secretary of Parishad issued the following statement⁹⁷:- 152

Statement issued by Sh. Om Parkash Mengi.

Om Parkash Mengi, General Secretary, All J&K Praja Parishad Jammu on 3rd November, 1954.

A reference to the historic Praja Parishad movement has been made in a resolution of the National Conference general council at Srinagar.

The allegation that Parishad advocates the return of monarchy and the undoing of the land reforms in the State, is an absolute lie. Our stand regarding headship of the State has repeatedly been made clear that in this respect Jammu & Kashmir State be treated like other States in India.

Our criticism of the State Government's land reforms has come out to be correct in the very words of the government's appointed Wazir committee. It is absolutely wrong to say that the Parishad stands for dispossession of the peasant's newly acquired lands.

Parishad's stand regarding the accession issue is now well known to every body in this country. We stand for

full and final accession of the State of J&K with Indian Union and the application of the Constitution in its entirety to this State. This in no way means complete merger, but it surely fails to accommodate the unpatriotic stand of independence and loose relationships of the State with the Union.

The success of our struggle is clearly indicated by the fact that these who once stood for State's limited accession, today take pride in denouncing their previous policies and declarations to which they themselves were a party.

All these allegations aim only at maligning Praja Parishad -the only and the strongest opposition in the State.

Parishad is proud to proclaim that it exists for the noble and patriotic cause of unification of the State of Jammu & Kashmir with mother India and shall consider no sacrifice too great to achieve this end.

sd/ Om Parkash Mengi

General Secretary

All J&K Praja Parishad Jammu.

Pt. Prem Nath Dogra, also submitted a representation to Sh. Gobind Ballbh Pant, the then Home Minister Govt. of India on 24th July 1956. A copy of the memorandum submitted to the President of Indian on 1.10.1954 was also sent to him. He pointed out that the people of Jammu were opposed to J&K State having a separate constitution, as distinct and different from the constitution of India., The representation pointed out that Praja Parishad, which had the backing of a large majority of the people of Jammu province at least, was definitely opposed to any distinction

being made between Jammu and Kashmir state and other constituent units of India as that would perpetuate a sense of separatism in a large section of the people of Kashmir which was being exploited fully by Pakistan to the detriment of the interests of Kashmir state as also of India as a whole. Pt. Dogra pointed out that the exact character of the Constitution being drafted, was not known to them. But indications were that they proposed to stick to their original plan of making the Constitution distinct and different from the Constitution of India in every material respect. They had learnt he added, that it did not provide for the auditing of State accounts by the Auditor General of India, nor did it accept the supervision of Election commission of India over the elections in the state, the appointment of the judges of the state High court was being left to the discretion of Sadar-i-Riyasat, who was a nominee of the President and that Supreme court of India was not being given full jurisdiction over Kashmir; Election for the State representatives to the Lok Sabha were sought to be kept indirect and no provision for reservation of seats for Harijans through double member constituencies was being made. All this was most perturbing said he. While concluding the representation he requested him to see that these objectionable features of the proposed constitution of the state were removed and that it was brought in line with the Constitution of India".

155 The following is the full text of the representation¹⁵²:-

Sh. Gobind Ballbh Pant,
Home Minister,
Government of India,

New Delhi.

Respected Sir,

"Jammu and Kashmir state constituent Assembly is expected to finalise the constitution of the State shortly. In this connection we would like to place the following submission before you.

We had submitted a memorandum a copy of which is attached herewith to the Hon'ble President of India on 1.10.1954 regarding the draft proposals that were then formulated by the State Constituent Assembly about the Constitution for the State.

We had then submitted that we are opposed to the Jammu and Kashmir State having a separate constitution distinct and different from the Constitution of India in the making of which the representatives of Jammu and Kashmir state had also taken part. We had then made it clear that Praja Parishad which has the backing of a large majority of the people of Jammu province at least is definitely opposed to any distinction being made between Jammu and Kashmir state and other constituent units of India because that would perpetuate the sense of separation in a large section of the people of Kashmir which is being exploited by Pakistan to the detriment of the interests of Kashmir state as also of India as a whole.

We do not know as to what is the exact character of the Constitution now being drafted by the Kashmir Govt. But indications are that they propose to stick to their original plan of making the Constitution for Jammu and Kashmir distinct and different from the Constitution of India in every material respect. We have learnt from reliable sources that it does not provide for the auditing

of State accounts by the Auditor General of India nor does it accept the supervision of Election Commission of India over the elections in the State. The appointment of the judges of the State High Court is being left in the hands of Sadre-Riyasat who is elected by the legislature and is not a nominee of the President and that Supreme court of India is not being given full jurisdiction over Kashmir. Elections for the State representatives to the Like Sabha are sought to be kept indirect as heretofore and no provision for reservation of seats for Harijans through double member constituencies is being made. The present practice of reserving some constituencies exclusive for Harijans deprive non Harijans of these constituencies of the right to stand for elections in their home constituencies.

All this is most perturbing we have had quite long experience of the high-handed way in which the present state Govt. has been playing with the rights, honour and liberties of the people of the State. The experience of the recent Municipal and Panchyat elections in the State has confirmed our fears and doubts about the totalitarian aims of the men now in power in the state.

We have been putting up with all this in the hope that the dark night will after all end and we will be able to breathe fresh air when the State is fully brought under the constitution of India. But that hope is becoming dim and the prospect of perpetuation of the present one party oppressive regime is looming large before our eyes. This has naturally made all the freedom loving and democrat minded people of the State desperate.

We, therefore, beg to request you to see that these objectionable features of the proposed constitution of

the State are removed and that it is brought completely in line with the Constitution of India".

Yours Sincerely,

Dated 24 July, 1956.

sd/ Prem Nath Dogra
President

All Jammu and Kashmir, Praja Parishad

Pt. P.N. Dogra had then sent the following letter to the Prime Minister of Govt. of India New Delhi on Feb. 1952:-

The Prime Minister
Government of India Union,
New Delhi.

Sir,

"We feel it our patriotic duty to bring to your notice through the following memorandum the growing deterioration in the internal situation of Jammu and Kashmir State which if not improved in time, is bound to affect adversely the wider interest of India as a whole. The need for greater attention and speedy improvement in the situation has been made imperative by the development in Pakistan and intensification of the Pakistani propaganda of preparation for sabotage and war from inside and outside the strategic part of India.

Eleven years have passed since Jammu and Kashmir State which has been an integral part of India, historically, geographically and culturally all through the ages, acceded to India according to the procedure laid down in Mount Batten Plan. It was then hoped that the anomalies in the relationship of Jammu and Kashmir with the rest of India will be removed, and its people, as citizens of India, will be given opportunity to run a new leaf in their lives and live as equal citizens of India enjoying the rights

and liberties guaranteed by the Constitution of India.

But these hopes and aspirations have remained unfulfilled so far. The Government of India has thought it fit to lay store more by a few individuals than by the people of the State as such. And these individuals, first Sheikh Abdullah and now Bakshi Ghulam Mohammad, are more interested in keeping themselves in power by denying to the people their basic rights and liberties, than in developing a spirit of unity and equality in the people of the State and their brethren in the rest of India. It is this desire to keep power in his own hands which motivated Sheikh Abdullah to insist upon a separate constitution for the State which gave him and his Government special and unchallenged powers to ride through stood over the basic rights, liberties and aspirations of the people to be one with the rest of India.

The people, therefore, raised their voice against his separatist and dictatorial policies. Under the leadership of Praja Parishad thousands of people suffered incarcerations and scores of people faced police bullets in the defence of India's tricolour flag in this part of India. This epic of suffering and sacrifice culminated in the supreme sacrifice of late Dr. Shyama Prasad Mookerji in Srinagar Jail, which finally opened the eyes of the people and Government of India to the realities of the situation in the State and ambition of Sheikh Abdullah.

With downfall of Abdullah and rise of Bakshi Ghulam Mohammad to power hopes were raised once again that anomalies in the relationship of Jammu and Kashmir State with the rest of India will be removed once for all and that disabilities from which the people of the state are made to suffer for the pleasure of the ruling Junta will be done away with. But we are pained to say that even though five years have passed since that change over the people's hopes and aspirations about becoming one with their

compatriots of the rest of India in all respects have not only remained unfulfilled but what is worse they are even being deprived of the most elementary rights and liberties. Bakshi Ghulam Mohammad in order to perpetuate himself in power is following such policies as have sapped all good will of the people which he initially enjoyed. He has become a ruthless dictator trying to keep himself in power by all means fair or foul. Absence of full jurisdiction of Supreme Court of India has enabled him and his Government to curb the basic liberties and freedom of the people who are being denied the freedom of speech, association and expression in so many dubious ways. What is worse the elections to the State Legislature and to the local Panchayats are being so rigged as to make them a mere force. Some glaring and incontrovertible example of this ruthless suppression of civil liberties lawlessness and ragging of election are given below:

1. Interference by the persons belonging to the party in power in the administration of the State is very commonly seen in the Jammu and Kashmir State. If the administration takes upon itself to transfer a person against whom the administration receives numerous complaint such transfers are later withheld on the interference of the members belonging to the National Conference. One such instance is that of Mr. Dr R.S.Modi Health officer of the Jammu Municipality. This complaints have increased to such an extent that the "Kashmir Post" a pro-Government paper had to write in its edition dated January 10th, 1959.

"We would particularly like to draw the attention of the Government towards two or three main defects which are at the root of over all inefficiency in the administration.

Firstly undue interference with day to

day working of the administration by the Political executives (Ministers etc.) should be completely stopped. This single factor is responsible for the lack of the qualities of efficiency, initiative, imagination, leadership and taking of responsibility among the civil service. This undue interference in administrative matters is also responsible for growing inefficiency and corruption. There have been instances to prove that this undue interference on the part of some of the Ministers has result^d in undoing of flouting some of the decision of the Government".

This is not only with this Government alone but since the very inception of popular rule in the state it has been faced by the people very often. Even the Chief Conservator of Forests had to complain against the undue interference of the National Conference Organization in his administrative affairs. This interference has created inefficiency in the administration and induces the government employees also to take part in the party politics. The Government machinery act on the advice of the National Conference Organisation and they do all foul acts to see that their masters are pleased in one way or other with the result that the people do not get justice at their hands because they do not dare to complain against their high-handed acts. We have several times demanded from the Government of Jammu and Kashmir that the government machinery should be left aloof to decide matters for themselves and not to be interfered but this advice and suggestions has been ridiculed and not weighed in its true perspective.

2. The administration has become top heavy. In the

days of the Maharaja there were only five Ministers to look after the affairs of the entire state including that part which has now been occupied by the Pakistan and at present there are 12 Ministers to look after 2/3rd part of the State. Not only that the Police expenditure in the State has increased from 16 lacs to 64 lacs with the result that there is lesser efficiency. Murderers go untraced and people abstain from reporting the offences in the police station for getting the offenders penalised. Their confidence in the efficiency investigation and inquiry is completely shaken. Besides that superfluous posts are being created to accommodate the retired hands and also persons in the good books of the rulers. The office of the Constitutional Advisor is still being retained to accommodate another retired hand. Recently, again a new post of Chairman Land Laws Committee has been created to accommodate the retiring Financial Commissioner.

In 30 Tehsils of the entire state there were previously 30 Tehsildars with same number of Naib Tehsildars but at present there are about 60 Tehsildars and about 125 their Naibs. Besides the above mentioned superfluous posts special advisors, and special officers attached to various Departments of the Jammu and Kashmir State have been appointed with a plea to bring the administration in tune with rest of India.

3. Food Situation

the food situation in the State has deteriorated since the year, 1947. Previous to that three lakh maunds of food stuffs were imported from India to meet the deficit to feed the entire population of the State and now that 1/3rd part of the State which was mostly deficit area, is in the possession of the enemy and 1/4th of the population is on the other side of the Cease Fire Line the Government figures tell that the State is deficit of 42.52 maunds of

persons arrested were released by the
timely help of the leaders of the
National Conference to these
annunciators. They later induced
the

food stuffs. It may also be mentioned here that the State has spent about 3 crores of rupees on the improvement of Irrigation of the State and about one crore on the improvement of Agriculture for increasing the production of the food stuffs. The various land reforms introduced so far to increase the food stuffs have also resulted in the increase of the import of food stuffs. The Government has given several different figures that it has spent for the improvement of the irrigation for production of the food stuffs. These figures are varying and are distorted. Questions in the Assembly regarding the authenticity of the figures are not replied. In the State the food situation inspite of all the expenditure that the Government has borne has not shown any better results.

4. Lawlessness

There is complete lawlessness in the Jammu and Kashmir State. Decoits go set free because they have the backing of the leaders of the National Conference ruling party. Attack on the Government officials are not cared for and the accused belonging to the National Conference are not prosecuted. In October, 1957, the Excise Party aided by the Police and the Magistrate raided Bhore Camp for detecting the illicit traffic in illicit distillation. More than 1000 gallons of illicit liquor were recovered from this camp and the persons from whom this illicit liquor was recovered backed by S. Janak Singh, the leader of the camp, who also happens to be a member of the Executive of the provincial National Conference attacked the raiding party and deprived the officers of their uniforms they were wearing and also some other articles. The case against these persons was registered under sections

395, 149, 332

→ 395, 149, 332 of the R.P.C. and

District Magistrate to write to the government Prosecutor to withdraw the case. In spite of the fact that it had been sent by the Additional magistrate to the Sub Judge Magistrate Ist Class on the 18th November, 1957. The challan was presented to the said Magistrate on 28.4.1958 with the request that the case be allowed to be withdrawn and the order of the Sub Judge Magistrate on the file reads as :-

"28.4.58. government Prosecutor Present.

Accused absent. Challan has been produced to day. It may be entered on the register. The Government prosecutor has submitted an application that in accordance with the order of the District Magistrate he may be allowed to withdraw the case. There is no reason mentioned in this application for withdrawal of the case. Any how the permission is hereby given. The statement of the Government prosecutor is recorded. Since the sanction for the withdrawal has been given the case be dismissed and consigned to the records and the accused be deemed to be discharged".

Order announced"

Sd/- S.J.Magistrate, Ist Class Jammu

Attacks on the workers of the opposition parties is the order of the day. In the Kashmir valley even M.L.A.'s are not spared. The Ex-Revenue Minister Syed Mir Qasim and ex-Speaker of the Legislative Assembly Mr. Ghulam Rasool Ranzu were attacked while they had gone to Sopore in connection with the Town Area Elections. Ghulam Rasool Kar was also man handled and severely beaten. Even in Jammu province Mr. Rajinder Singh M.L.A. who had gone to Poonch in connection with the organizational work was attacked and the meeting he was addressing, was tried to

be dispersed with the help of the police and the Block Development Officers. Mr. Abdul Rehaman a member of the working committee of the Praja Parishad was also man handled by the Tehsil Secretary of the National Conference Mr. G.H.Goni. And very recently in the month of December, 1958 when two workers of the Praja Parishad of Ramban Mr. Labhoo Ram Tehsil President of Praja Parishad and Charanjit Lal had been to illaqa Bhattal Tehsil Reasi they were attacked by the goondas who were being led by the Patwari Abdul Majid and other Government officials of that area. One of the above mentioned two workers Mr., Charanjit Lal received very serious injuries. This is not a single instance in that area even previously Shri Beli Ram, Lumberdar who had dared to challenge the election of Mr. Mohammad Ayub Kha, Deputy Speaker Legislative Assembly who also happens to be the President of the provincial National Conference has been implicated in several criminal cases like murder of persons who were later found to be alive. His house was stoned and he was tortured to the maximum to withdraw the petition. Reports were lodged with the police and the Prime Minister also was informed.

Corruption

Corruption, nepotism and favouritism is rampant in the administration. The Prime Minister himself corrupts the men by purchasing the workers of the political parties. Persons belonging to the National Conference are recruited in the Government service thereby inducing people to join the National Conference for getting service in the Government and also other favours from it. Contracts and route permits are granted in favour of those persons who agree to work for the National Conference. Complaints against the sub Judge Magistrate Ist class Reasi Shri Tek Chand for his being corrupt and having taken bribes from the litigants has not been inquired into inspite of the

public demand and representation.

Plans

The first and the second five year plan in the Jammu and Kashmir State were formulated without proper planning. There have been bungling in the construction works and crores of rupees have been waste on these plans. For instance the Kishtwar Canal which was originally estimated to cost 6 lakhs to the State exchequer has taken 28.68 lakhs of rupees and had to be given up because it was found impracticable to be dug. Money allotted to the Panchayats has been embezzled in every block. Even the C.I.D. reports and Audit Reports confirm the above facts. No action is being taken against the defaulters because they happen to be either the members of the National Conference or the favourite and relatives of the ruling clique. Industries working in the Maharaj's rule have since been closed and those started by the present regime like Jammu Wood Factory, Thana Woods Works and Ramnagar Woollen Weaving centre and many other have been closed. The condition of remaining factories like Willow Factory, Drug Factory and Sericulture are also not satisfactory. Industrial loans have been given to the National conference workers. These loans have also not been utilised for the purpose for which these were given to them nor these have been realized. Private Weaving Handicrafts providing work to thousands of workers have also suffered extinction due to non availability of cotton yarn.

Elections

Elections to the Jammu and Kashmir Legislative Assembly were conducted in a very corrupt and high handed manner. The Government officials were instructed by Bakshi Ghulam Mohammad Prime Minister to reject the nomination papers of the Praja Parishad candidates. 20 election petitions regarding the elections in the Jammu province were filed

about two years ago. Out of these 20 only two have been disposed off upto now and the single man election tribunal has been appointed for the entire State. Whereas in the rest of India there is one Election Tribunal for each District, . And in cases where the elections have been declared void by elections have been conducted and if there had been any corrupt practice in those elections the elections petitions have been filed with regard to such elections as well but in the State even though it is, as far as 22 August, 1958 that the Honourable High Court declared the election of Mr. G.A.Dev a National Conference candidate of the Doda constituency to be void. No by-election has been conducted so far and there is no possibility of the elections being conducted in this constituency for another period of four months.

Official interference and that of Bakshi Ghulam Mohammad's personal interference in Town Area elections have been very much seen during these elections. The opposition candidates were kidnapped and were forced at the point of pistol to withdraw the contest. In Bishna the successful praja Parishad candidate was declared unsuccessful and was later tortured and severely beaten. When he came out of the clutches of the Police and was being brought to Jammu for medical inspection and for deposing true facts he was re-arrested by the police alongwith those who were bringing him to Jammu. These persons were also tortured.

Such are the woeful conditions in the Jammu and Kashmir State and it has created a strong belief in the people that as long as this Government and as long as the State enjoys the special status in the Indian Constitution and the present government is in power and the jurisdiction of the election commission of India and that act of the Supreme court in complete is not extended to the State of

Jammu and Kashmir there can be no free elections in this state as a result thereof no legal constitutional and orderly Government can be set up in the Jammu and Kashmir State. This is not a hidden secret and as your honour have also declared it in your speech in the Parliament.

Besides the suppression of civil liberties and ragging of elections which is steadily destroying faith of the people in democratic remedies for the redress of their grievances, the ruling Junta is playing havoc with the administration by complications, aligning it with ruling party and making it an instrument for party propaganda. As a result all officials who do not like to subordinate their independence of judgement of the ruling party dictation are finding themselves in a very precarious position. Inefficient and corrupt juniors who are prepared to play second fiddle to the ruling party are being promoted to high posts without any regard to seniority and efficiency. Funds given for the execution of the 2nd Five Year Plan are being spent more to further party interests than for real improvement of the State. Partisanship, provincialism and communalism and also inefficiently and corruption are rampant in all walks of administration.

All this has created general discontent amongst the people of the State. The blame for all the corruption and suppression of liberties is being assigned to the Government of India which, in the popular eye, is the power behind the present ruling Junta. Naturally this situation is being exploited by anti-India elements to the detriment of the wider interests of India. It has, therefore, become imperative for the Government of India to look into the whole situation and take remedial measures without any further delay. Indian Government cannot take shelter behind the convenient plea that internal affairs in the State are the responsibility of the State Government because the

issue and interests involved in Kashmir ultimately effect the whole of India and not Kashmir alone.

We, therefore, appeal to you to take immediate steps on the lines given below to save the situation in the State from further deterioration.

1. Pending full application of the Constitution of India to the Jammu and Kashmir State after the deletion of section 370 in the Indian constitution, immediate steps should be taken to bring the State Judiciary fully under the control of the Supreme court and extend the jurisdiction of the Election Commissioner of India to the State so that all further elections in the State be conducted by it.

2. Since the State officials have lost all independence and integrity and have become demoralised senior staff for conducting elections should be deputed from India.

3. Elections to the local bodies so far held by scrapped and fresh elections ordered under the supervision of a high and impartial judicial officer.

4. People of the State be given the right to elect their representatives to the Lok Sabha directly and that elections must be conducted by the Election Commission of India.

5. The State officials promoted to I.A.S. and I.P.S. cadres be sent outside for gaining further experience and training and some experienced I.A.S. and I.P.S. officers holding independent views from other parts of the country be sent to the State to tone up the State administration.

6. An all party planning advisory committee including experts in the industry etc. should be set up to advise and guide the state in respect of schemes to be taken up and money to be spent for the plan purposes.

Any failure to move quickly on the lines suggested above is certain to create further complications. People of the State are looking to the Government of India for

the redress of their legitimate grievances and making the administration good and efficient. If they are disappointed they will have to turn to other remedies which may not be very palatable to the government of India at this movement. It is why we earnestly request you not to allow the things to drift. Let us all endeavour to keep the wider interests of the motherland and his Government and unchal above party's interests and do the things in right time".

Dated Jammu the, Feb. 1959

Yours faithfully

Prem Nath Dogra

President

All Jammu & Kashmir Praja Parishad

Jammu Tawi

Mr. Gopal Das Sachar-The Publicity Secretary of Praja Parishad had issued the following statement on Oct, 1, 1962¹⁵⁶ :-

"By killing democracy in J&K how a handle is being provided by the State ruling men to the enemies to beat India, can be wel gauged from the following:

After the change over of power from Maharaja to the National Conference first general elections were held in the State in 1951. There were only two contesting parties- National Conference the party in power and Praja Parishad- only opposing party. Forty six out of seventy nomination papers of the Praja Parishad candidates were rejected summarily on flimsy grounds and those that were accepted were 14 constituencies only. Representations were made and assurances were sought from the Govt. for fair and impartial poll in the remaining 14 constituencies; but having failed to get the same and for the circumstances created by the men in power, the Praja Parishad was forced

to boycott the election. The Assembly thus constituted was a packed house of underlings of the National Conference leaders.

The same tactics were employed in the 2nd General Elections in 1957 with little modification. Besides using the old tactics of rejection of nomination papers of the Opposition candidates, the boxes were tampered with frequently. In spite of all this the Praja Parshid captured 5 seats and one went to the Harijan Mandal.

As a sequence to the high handedness perpetrated in the elections 20 election petitions were filed affecting 24 constituencies in the year 1957. A one man Election tribunal was appointed to bear all these election petitions. The place for trial was fixed at Srinagar 200 to 300 miles from the concerned constituencies. The proceedings of these were allowed to dangle on and continued till the 3rd General Elections.

The story of the 3rd General Elections is not less painful though these were held for the 1st time under the supervision of the Union Election commission. A concerted effort was made to repeat the old tactics with great mischief and technique and thus minimise the importance of the Union Election Commission whose jurisdiction were extended to this State after a strenuous struggle of the Praja Parishad. In spite of repeated requests the polling was held in the month of February which was not at all suitable sea son for hilly areas of Jammu province. At most of the stations it was heavily snowing and raining as usual. The voters had not only to face the bad weather but they had also to travel on foot in these mountainous areas from 10 to 15 miles. The extent of bogus polling in

favour of ruling party candidates by the concerned officials can be well judged from the fact that even in the hilly areas at many polling stations polling has been shown 95 to 100%. The overall average has been recorded 70 to 85 percent. In contrast we refer to polling in Himachal Pradesh, a hilly tract adjoining Doda District of the Jammu province. In Himachal Polling was held in the month of May when the climatic conditions were very favourable but the overall polling could not exceed 25 to 30% while in Doda District it was shown above 75% This brings into light the extent of bogus polling.

A further glimpse into the democratic way of life can be gained from the following facts.

There are 3 municipalities in the whole State-Sriangar-Jammu and Poonch. In Srinagar and Jammu cities the Municipal councils were superseded about 4 years back and Administrators were appointed and they were continuing upto now. In Poonch elections were held in 1939. About three years ago, instead of holding the election, the Govt. nominated all the 15 members of the Municipal council including the chairman.

Similar are the conditions of the Town Area Committees. There are 29 T.A. Committees in the State. Elections toll of them are over due for long. In most cases committees were disbanded and administrators have been appointed for the last several years. Nine committees that were controlled by Praja Parishad were dismissed without any charge or proper enquiry. It is interesting to note that out of ten member committee of Udhampur Town, six members have resigned for the last six years. Two members have left Udhampur. But the committee with only two members is allowed to

function because the Chairman had joined the National Conference.

The conditions in the Panchayats are no less worse where Govt. have retained powers to nominate five members in 11 members Panchayat-persons who are defeated in the elections are nominated as Panches and there are many cases in which the nominated persons have been installed as Sarpanches.

This all creates a bad name for India".

sd/Publicity Secretary

J&K Praja Parishad, Jammu

Dated 1.10.1962

"Four years ago the State joined the Central I.A.S. Scheme. The state officers taken in the I.A.S. (without adopting the proper procedure of selection) got their pays doubled but the wonder is that these officers are not being transferred from here, though in the light of deteriorating law and order conditions in the state it was in the best interest of the State to get I.A.S. officers from outside to man state cadres like Dy. Commissioners and Secretaries and depute its I.A.S. officers outside the State so they could acquire the experience of wider field and learn working of some of the newly started activities. But by not transferring these officers the entire purpose of integration has been defeated".

sd/Gopal Dass Sachar

Publicity Secretary,

Praja Parishad, Jammu

Dated 1.10.1962.

In order to get a wider support of the Indian masses for the people of Jammu, who were agitating not only for

158 complete integration of the State with Indian Union but also a share in State's political power, the R.S.S. element in the Praja Parishad succeeded in affiliating the party with Bharitya Jana Sangh¹⁵⁷. The All J&K Praja Parishad than stated operating Jana Sangh united in the State¹⁵⁸. 159
 Pt. Prem Nath Dogra then toured throughout India and attended the meetings of the Bharitya Jana Sangh at the National level. The three slogans of Parishad-one president, one flag and one constitution for the whole of the country had raised the stature of Pt. P.N. Dogra at the National level also¹⁵⁹. 160

After the resignation of Pt. Mouli Chander Sharma from Presidentship of Bharitya Jana Sangh, who succeeded Dr. S.P. Mukerjee, the choice fell on Pt. Prem Nath Dogra. Technically, it was not feasible for him without merging his party with the Jana Sangh. Thus R.S.S. element under the auspices of Prof. Balraj Madok who had been campaigning since long for the complete merger of Praja Parishad with Jana sangh, finally succeeded in merging the former with the latter on February 20, 1964 in a party session held at Akhnoor (Jammu) and presided over by sh. Din Dayal Upadhyya, the then general Secretary of the All India Jana Sangh¹⁶⁰. 161
 Mr. Chhatru Ram Dogra, Shiv Ram gupta alongwith a handful others had opposed this move of merger. Simply because the party would not only loss its regional character, its Muslim membership, who dubbed Jana Sangh as a communal party, but a strong force protecting the interest and aspirations of the Jammu region¹⁶¹. They were of the view that with its merger with Jana Sangh the channel for redressal of grievances of the Muslims masses in Jammu against the aggressive trends of the National Conference

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64 Govt. would be closed. They would then look towards the communal, anti India and secessionists outlest in the valley¹⁶². But the proposal was ultimately carried out with majority support¹⁶³. With that action the Jana Sangh had its units in most of the Hindu dominated belt of Jammu regions.

The integrationlists movement in Jammu region was then spear headed by Bharitya Jan sangh, whose policy with regard to Kashmir had been consistent, rigid, clear cut and influenced by its ideology of Akhand Bhart¹⁶⁴. Any talk of the special status of the state, and consenbly making a separate constitution for it were an anathema to the party. It had consistently regarded the accession of the state to the Union of India as final, complete, legally valid and beyond question¹⁶⁵. 165

At present B.J.P. being the subscriber of the same ideology of Akhand Bharat, looking after the Intergerationist movement in Jammu regions. 166

